

SPECIAL REPORT: IMMIGRATION IN THE GLOBAL ECONOMY

THE AMERICAN PROSPECT

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JULY/AUGUST 2003

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think again

"Americans don't see it this way, but the country with the most puzzling human rights record in the world is their own."

Michael Ignatieff, author and human rights expert, writing in Legal Affairs

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The Demo Derby

George Stephanopoulos: Sen. Kerry ... earlier this week, your campaign questioned whether or not Gov. Dean was fit to be commander in chief. Do you think he's fit?

John Kerry: I think Gov. Dean made a statement which I found quite extraordinary, and I still do. He said that America has to prepare for the day when we will not be the strongest military in the world. I mean, that's his statement. I didn't make it up; he said it.

—from the Democrats' South Carolina debate, May 3, 2003

If you saw that debacle of a debate, you watched moderator George Stephanopoulos bait the Democratic field into attacking one another. Not that most of them needed much baiting, having been sniping either directly or through staff efforts all spring.

Here is the debate we should have seen:

Stephanopoulos: Rep. Gephardt, Sen. Edwards called your health plan a trillion-dollar giveaway to corporations. How do you reply?

Dick Gephardt: Well, George, I've proposed giving tax credits to corporations to buy health insurance for their employees. The voters can decide whether that's the best approach. I obviously think it is. But we Democrats are not here to whack one another. John Edwards is a tremendous asset to the Senate. Everyone at this debate has more in common with one another than any of us has with George W. Bush, who is the most dangerous and deceptive president in the history of the Republic, beginning with the way he assumed office. Any of the Democrats' health plans is better than the Bush plan, which is a complete sellout to the HMOs and drug industries.

Stephanopoulos: Sen. Edwards?

John Edwards: Sorry, George, but I'm not going to play this game, either. Rep. Gephardt and I each have our strategies for improving people's health security. The voters will make up their minds about which is the best. I would proceed more gradually, with a less costly plan. But President Bush wants to privatize Medicare, leaving older Americans to the tender mercies of greedy HMOs whose main interest is in avoiding sick people.

Stephanopoulos: Gov. Dean, you and Sen. Kerry both need to win the New Hampshire primary. If one of you beats the other handily, the loser is probably finished. You have accused Sen. Kerry of waffling on whether he supported the president's Iraq policy. Can you tell us why people should choose you over Sen. Kerry?

Howard Dean: No, George. I won't. But I will tell you why people should choose me over George W. Bush. Some of us opposed the Iraq War and some of us supported it. But all of us believe what President Bush is doing in Iraq now is a travesty. His administration was so eager to rush to war, based on phony evidence, that it didn't give serious thought to the aftermath. All of us think that he's playing roulette with nuclear weapons. The world is a more dangerous place as a result of Bush's adventures and his failure to take homeland security seriously.

Stephanopoulos: Sen. Kerry?

Kerry: You know, George, the nine of us are here to audition for the important job of challenging a reckless, dangerous, untrustworthy president who never should have taken office. We're not here to disparage one another. Everyone at this table is a good Democrat and a great public servant. Any of us would make a more effective president than George W. Bush. Any of us would make America a safer place. In the next year, Democratic voters will have plenty of time to decide which of us is the best equipped to avenge the stolen election of 2000. But we are not going to make George W. Bush's job easier by throwing mud at one another.

You get the idea. The next year of Democratic candidates' debates can either be a demolition derby for the amusement of Karl Rove or a year of free television time to hone the Democrats' case against the Bush presidency.

Game theorists famously describe a "prisoners' dilemma" in which everyone would be better off if all involved cooperated, but each prisoner in isolation maximizes his personal advantage by betraying the others. The Democratic debates amount to a partisan prisoners' dilemma: The whole field would be better off if everyone turned their fire only on President Bush, but they can't resist attacking one another.

Ronald Reagan, back in 1966, called for a Republican Eleventh Commandment: "Thou shalt not speak ill of any fellow Republican." If even one candidate began speaking in the spirit of the dialogue above, maybe the others would be shamed into reciprocating.

Amid their frenzy to raise candidate money, the Democrats might also find some funds for generic advertising—now—on what the Republicans are doing to the country and about Bush's penchant for chronic deception, whether the issue is education, taxes, health care or war. That would also improve the prospects of the eventual nominee.

—ROBERT KUTTNER

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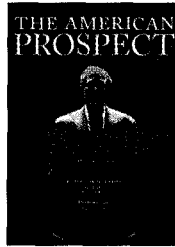
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Correspondence

Bush's Poodle?

WILL HUTTON'S ARTICLE "Bush's Poodle?" [June 2003] rightfully points out that in some ways the United Kingdom's interests have been damaged by Operation Iraqi Freedom, and they will continue to be damaged by its aftermath. But I think Hutton is guilty of misjudgment when he says that Tony Blair has no influence over the Bush administration (indeed, Hutton contradicts himself later in the article, saying Blair has become "a kingmaker in American politics"), and when he says that Blair is a possible thorn in the side of the Bush administration.

Blair is no threat to Bush's America and indeed is ideologically close to it. He is its bridge to the European Union and, despite the petulant protests of Jacques Chirac, we must remember who had the majority of European nations behind him on the Iraq War: Blair. The Bush administration is not so averse to multilateralism as to not adopt it when doing so will bring it benefits of legitimacy (rather than the disaster that ensued when it attempted to adopt it during the Iraq War). Blair was very useful to the Bush administration because of his zeal for multilateralism and the trans-Atlantic alliance. One should hope that other European leaders soon start following his lead.

To brand Blair the "poo-

dle" of President Bush is a gross oversimplification of complicated international relations. Both Blair and Bush believe they are working in their nation's best interests, and both must assuredly believe that the history books will vindicate them.

ANDREW GAWTHORPE
Great Britain

Kant and Mill in Baghdad

IN "KANT AND MILL IN Baghdad" [June], John B. Judis argues that President Bush and his supporters are wrong to use John Stuart Mill-type utilitarian justifications in support of the Iraq War. Judis argues in a Kantian manner, "To put ourselves above the law of nations is to encourage our own tendencies, as well as those of other countries, toward lawlessness."

Judis thinks that the world since the world wars has proven itself too dangerous a place to trust in our own exceptional goodness and unique power. We have to trust the good judgment of the nations around us and submit to the laws that govern us all alike.

The same arguments could have been made against the U.S. incursion into Kosovo. While the United Nations dithered and Russia fulminated against international efforts to rein in its friends the Serbs, the United States put on a NATO fig leaf of international co-

operation and went in to stop a genocide in progress. It was right to do so.

The battle between the Kantians and the utilitarians is fundamentally a battle between believers in universality and believers in particularity, between people who think the moral law is general and universal and people who think that local circumstances are the things to look at when it's time to make moral choices. I like the idea of universality, but I also think that until we're finished creating a universal moral culture, we're stuck dealing as best we can with a chaos of localities, particularities and exceptions to the rules. In this kind of world, Mill is the better moral guide.

HARVEY CORMIER
*Associate Professor
Philosophy Department
Stony Brook University
Stony Brook, NY*

The Most Dangerous President Ever

ONE NEED ONLY LOOK AT the results of the 2000 presidential election in order to appreciate the literal truth of Harold Meyerson's observation ["The Most Dangerous President Ever," May] that the "president" George W. Bush most closely resembles is the Confederacy's Jefferson Davis.

In the 13 states that made up the Confederacy, the center-left and left candi-

dates, Al Gore and Ralph Nader, together polled only 45.1 percent of the total vote, compared with 54.4 percent of the total vote for the center-right and right candidates, Bush and Pat Buchanan. However, in the rest of the country—37 states and the District of Columbia, equaling two-thirds of the American population with more than 187 million people—the results are almost exactly the opposite: Gore and Nader combined took 53.9 percent of all votes cast, compared with 45.5 percent for Bush and Buchanan.

Truly, "factionalism now, factionalism tomorrow, factionalism forever" sums up Bush's governing strategy.

DAVID HARNDEN-
WARWICK
Bellingham, WA

The Indentured Generation

GARAN FRANKER-RUTA'S essay "The Indentured Generation" [May] really got my attention. I am among the indentured, with student-loan payments at \$600 per month for my BFA and incomplete MFA (I could not afford to complete it) at state universities. I was working while attending school, but the wages did not come close to covering my needs. I also received Pell Grants for undergraduates. I am 38 now and am expecting to pay off these loans in 10 or 20 years, de-

pending on the nature of my refinancing plan. If I am giving this much of my monthly pay to Sallie Mae or one of the other private companies that buy up loans until I am 58, how many years does that leave to save for retirement? How many to buy a home?

Thank you for acknowledging this burden that has shaped the lives of many people in my generation. It is high time the public realizes that the high cost of education cannot be feasibly met with loans if we want educated citizens to also be consumers.

SUE BIELENBERG
Via e-mail

Beyond Left and Right

ROBERT KUTTNER'S insightful article "Beyond Left and Right" [April] concludes by calling for a liberalism with "energy, passion and a straightforward program that appeals to alienated voters."

On one level, one can hardly find fault with such an appeal. However, it seems to me that this is really just another one of those vague and all-too-familiar pleas that fails to pinpoint what is most lacking.

As Kuttner is well aware, the kind of liberalism he is calling for already exists. It exists in the form of a progressive labor movement, a revived peace movement, and an impressive number

of single and multi-issue organizations, as well as in a plethora of left-liberal journals and magazines. What is missing is the glue to bring all the various strands of the progressive community together so that the nondogmatic American left can finally amount to more than the sum of its parts.

We need to stop bemoaning the power of the right and the influence of the Democratic Leadership Council and conservative Democrats and form, once and for all, an organized, identifiable progressive wing of the Democratic Party.

KEN BROCIER
Somerville, MA

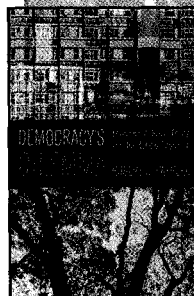
Candidate's Scorecard: Health Care

THANKS FOR RESERVING an "A" grade for a future health-care proposal [May]. Those offered by Howard Dean, Richard Gephardt and George W. Bush don't come close to an A.

Current per capita health-care costs are not sustainable. They must be reduced and then controlled to keep even with annual inflation rates. Experience says there is only one way to succeed with cost-cutting and controls: single-payer health care. We're going to face that requirement sooner rather than later. Why not now?

MARJORIE B. COLSON
Madison, WI

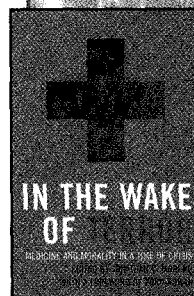
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Devil in the



Burning at the stake? Stoning? Ashcroft ponders.

Gay Shame Month

CONTROVERSY CONTINUES to swirl around John Ashcroft's decisions, first to not permit and then to downgrade any Gay Pride Month observations at the Department of Justice this year. Despite the assurances he gave to Russ Feingold during confirmation hearings, saying that he "had no intent to treat this group [gays and lesbians] differently than any other," Ashcroft forbade a gay-pride awards ceremony

that had been scheduled for June 18 and that had been an annual observance for the past six years.

Then, on June 11, he reversed his course and decreed that the ceremony could proceed—but not be subsidized by the department as it had been in years past.

What liberals and gay- and lesbian-rights activists fail to realize is that even in his initial position, Ashcroft had

actually taken the middle-ground. He could, after all, have authorized a Gay Shame Month, complete with compulsory re-education classes, the wearing of pink stars, secret detentions and—we're talking John Ashcroft, after all—the occasional public execution. This would have paralleled the Poor Shame Month that Tom DeLay has instituted in the House of Representatives, during which working-poor

families not only fail to qualify for tax relief but are required to bow to people who pay capital-gains taxes and pest exterminators.

Inspector Cheney Calling

IT SOUNDS LIKE THE ARRIVAL of Gogol's inspector general. *The Washington Post* has reported that Dick Cheney and his chief of staff, Lewis "Scooter" Libby, would drop in on the CIA's Iraq desk from time to time to make sure that the boys and girls were cranking out that casus belli stuff. According to one "senior agency official" who talked to the *Post*, Cheney and Libby "sent signals, intended or otherwise, that a certain output was desired from here."

And it wasn't just the Cheney operation that was hammering the intelligence analysts. Paul Wolfowitz and Doug Feith were also constantly ordering up red meat. "They were browbeaters," said one former defense official who attended meetings at which the analysts were browbeaten.

In short, this is an administration that has relied on demand-side intelligence and supply-side economics. And with the administration's credibility increasingly on the line in matters economic, perhaps Bush and Co. would find it in their in-

Details

"There are a lot of other things that are more important" than extending the child tax credit to low-income families.

—TOM DELAY

terest to start cooking the economic numbers, too. Already their economic projections of the effects of their new tax cut—that it will create 1.4 million new jobs—are from cloud-cuckoo-land, but why stop with projections? Cheney can pay a strategic call or two on the Bureau of Labor Statistics, for example, gently suggesting that in reporting unemployment at 6.1 percent, bureau bureaucrats had committed a typo. Surely they meant 5.1 percent, didn't they? After all, if there's one thing the Bush White House knows as a matter of existential certitude, it's that numbers—as in that confusing count of votes for president down in Florida a couple years back—can mean anything at all.

Weapons? Did We Say Weapons?

MEANWHILE, THE FAILURE to find weapons of mass destruction in Iraq is a growing problem for the administration, too. Even the Republicans on the relevant congressional committees have a faint institutional interest in finding out something about what went wrong, though their political interests will surely keep them from digging very deep. The public doesn't

seem all that upset, but then, as the polls have made depressingly clear, 66 percent of the public believes that Saddam Hussein had a hand in the September 11 attacks. Then again, it took a couple of years for the fabrications behind the Gulf of Tonkin Resolution to become a problem for Lyndon Johnson's White House.

It's not that the United States hasn't gone to war on several occasions with largely fictitious justifications. The destruction of the *USS Maine* in Havana harbor, the ostensible provocation for the Spanish-American War, turns out to have been the result not of an attack but of a boiler explosion. What makes Iraq different from our previous wars of flimsy foundation is that we never before proclaimed the contentious doctrine of preemptive war, which makes our current failure to discover anything to preempt far more of an issue than it otherwise would be. Particularly because we scuttled several long-term alliances in our ostensible zeal to rid the world of Iraq's weapons.

Meanwhile, as drama, the Iraqi War is now playing out backward, or in overtime, or both. We have stumbled into some unheralded Act 6 of *Hamlet*, in which the prince's father turns up to announce that he's corporeal, fine and finally rid of that nasty earwax—and where the hell did

all these corpses come from? This is not as the bard, or the Bush, would have it.

After Davis, The Deluge

CALIFORNIA'S RECALL madness continues apace. Republican Congressman

Darrell Issa, a political nonentity who made a fortune in car alarms, has already thrown more than \$700,000 of his own money into a campaign to gather the signatures required to place a recall of beleaguered Gov. Gray Davis before voters. If the recallers submit 897,000 signatures by July 18, a special election will be

WHILE YOU WERE SLEEPING



There's nothing like facts on the ground to grab people's attention. Though the Bush administration has relied on the (partly media-induced) somnolence of the American public to push its claims that Iraq had large stockpiles of weapons of mass destruction, two months after the fall of Baghdad, no such weapons have been found.

For the record, here are some of the statements from the administration justifying its war against Iraq under the doctrine of preemptively defanging a threat to American security.

President George W. Bush: "Iraq has stockpiled biological and chemical weapons." — Oct. 5, 2002

"Intelligence gathered by this and other governments leaves no doubt that the Iraq regime continues to possess and conceal some of the most lethal weapons ever devised." — March 17, 2003

Press Secretary Ari Fleischer: "We know for a fact that there are weapons there." — Jan. 9, 2003

"The president had repeatedly said that Iraq had weapons of mass destruction. ... We still have confidence in that information. You could say Iraq continues to have weapons of mass destruction." — June 9, 2003

Vice President Dick Cheney: "We believe [Saddam Hussein] has, in fact, reconstituted nuclear weapons." — March 16, 2003

Defense Policy Board member Kenneth Adelman: "I have no doubt that we're going to find big stores of weapons of mass destruction." — reported March 23, 2003

Gen. Tommy Franks: "There is no doubt that the regime of Saddam Hussein possesses weapons of mass destruction." — March 22, 2003

Secretary of Defense Donald Rumsfeld: "We know where they are. They're in the area around Tikrit and Baghdad and east, west, south and north somewhat." — March 30, 2003

As reported in *The Washington Post*.

BRAVE NEW WORDS

HOLD UNTIL CLEARED Post-September 11 redefinition of the rights of the accused, according to an internal Justice Department investigation, especially if the accused is an immigrant. Substitute "guilty" for "hold" and "proven innocent" for "cleared" and you see how it works.

"ARE YOU OK?" Seemingly solicitous query put to immigration detainees at the Metropolitan Detention Center in Brooklyn, N.Y. Used, according to prison officials, to mean "interested in making your once-weekly telephone call to a lawyer?" Whether the detainees being held there—for extended periods of time, in abusive conditions and, often, despite a lack of any evidence implicating them—had any idea that such an arcane usage of "OK" existed is another matter.

called for September or October. If they submit the signatures after July 18, the recall will go on the March 2 primary ballot, in which Democratic turnout will likely favor Davis (the Dems have a contested presidential primary, remember). Issa's money is making it less and less likely that Davis can avoid the recall altogether.

Regardless of when it happens, though, two contests will be decided on the same recall ballot. First voters will be asked to vote "yes" or

"no" on the recall itself. Then they'll be asked to pick a successor to Davis, a vote that will only be counted if the recall passes. No primary or caucus process will limit who appears on the list of possible gubernatorial hopefuls. It's quite possible that multiple candidates will run from both parties, and that the ultimate winner may actually receive less than 20 percent of the total vote.

That's a situation tailor-made for Issa, the one political figure in the state who's

already announced that if the recall qualifies, he's running. Issa ran for statewide office once before, losing the 1998 Republican Senate primary—and the right to challenge Barbara Boxer—to Matt Fong, then the state treasurer, who in turn lost to Boxer that November. Issa had been closing fast on Fong, but revelations about some of the congressman's past business practices—pulling a gun on one of his employees, most notably, not to mention his role in a suspicious fire that destroyed his factory in Cleveland (the insurer suspected arson and refused to pay)—tipped the election to Fong. Issa's prospects to defeat likely GOP candidate Arnold Schwarzenegger in the 2006 Republican gubernatorial primary are slim bordering on anorexic, so his best shot at the seat lies in a multicandidate scramble in which the focus is on what's wrong with Davis.

And Davis can't withstand much focus just now.

The governor's polling is atrocious: In one recent survey, his approval rating was a stunning 21 percent.

The real challenge for both parties is to try to limit the number of candidates whose names will appear on the ballot. Republicans seem stuck with Issa, but it's still very possible that either Schwarzenegger, former L.A. Mayor Richard Riordan or former state Sen. Tom McClintock (an anti-tax lunatic in the Grover Norquist mold)—or all three—may run, too. The Democrats—who have to oppose the recall but who no longer have the option of not fielding a candidate if the recall qualifies—have a number of statewide officeholders who've been planning to run for governor in 2006, most particularly Attorney General Bill Lockyer, Lt. Gov. Cruz Bustamante and Treasurer Phil Angelides. If all three (or even two) run, the way becomes open for this most Democratic state to elevate a Republican to the governor's office. The most pervasive bit of speculation these days is that the popular Democratic Sen. Dianne Feinstein will return from Washington to clear the field of all competition—a move that could satisfy many liberals if, as many anticipate, she were to win and appoint the brilliant, progressive Angelides to her Senate seat once she's elected. If Feinstein agreed not to run again, Lockyer could run for governor in 2006 in a less crowded Democratic field.

It's all a bit like chess in the sixth or seventh dimension. The only thing certain is that California voters, who are still recovering from last year's miserable Davis-Bill Simon gubernatorial contest, will not enjoy this one bit.

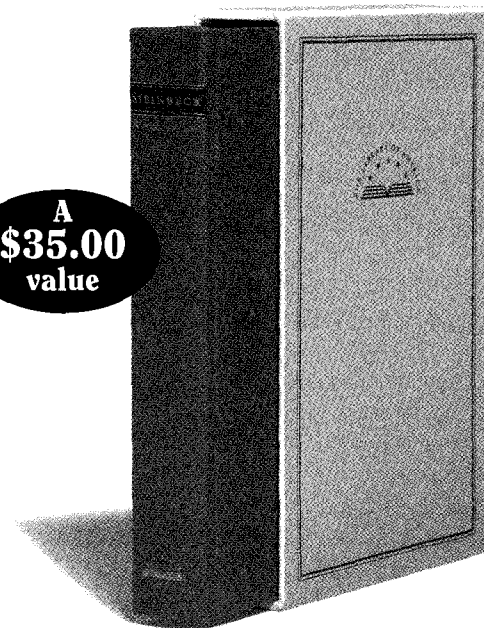


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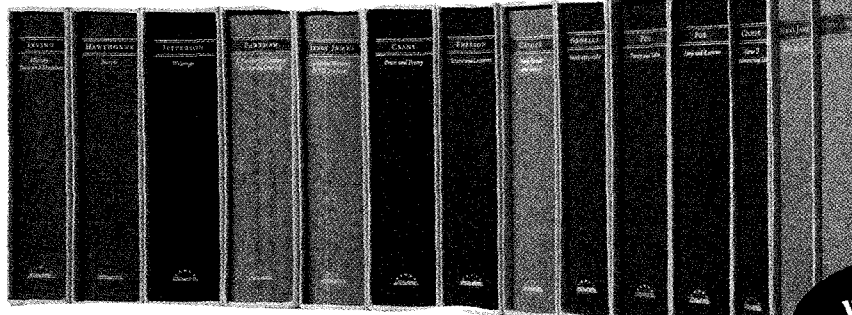
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Candidates' Scorecard: Homeland Security

THOUGH THE DEMOCRATIC presidential field was split on the Iraq War, the issue of homeland security offers all Democrats a chance to challenge the administration on its defense of Americans at home. To date, Joe Lieberman, John Kerry and Howard Dean have offered the most detailed proposals. Bob Graham has stressed his decade on the Senate Intelligence Committee and his early support for what was later dubbed "homeland security." Dick Gephardt has positions on nearly every-

thing else and has not gotten around to the matter.

JOE LIEBERMAN

Lieberman supported the Iraq War and has offered tough, detailed criticisms of Bush's handling of homeland security, saying, for example, "The administration has been too slow, too protective of the status quo and too unwilling to back up tough talk with real resources." He has proposed a "frontline initiative," which would spend an additional \$7.5 billion on first responders, including money for better integration of computer networks, and another \$7 billion for firefighters and local budget relief. He's also called for better port security, proposing \$1.2 billion beyond cur-

rent funding, and a refocusing of the National Guard and the armed forces for homeland security. **Grade: A-**

JOHN KERRY

The Massachusetts senator supported the Iraq War resolution but was highly critical of Bush's unilateralism. On homeland security, he's proposed a six-point plan, including enlisting the national guard and Ameri-corps, creating a community defense service, reforming domestic intelligence, upgrading public health, promoting better information-sharing among local and national police and federal agencies, and improving the security of ports and other infrastructure. His initiative is detailed but does not spell out cost. It's also somewhat restrained in its criticism of Bush. **Grade: B+**

HOWARD DEAN

Along with other candidates, Dean has called for upgraded civil defense, with more money for firefighters, police officers and other first responders. He has been tough in his criticism of Bush and has also emphasized that civil defense doesn't require a sacrifice of civil liberties. In the best original angle, Dean points out that a lot of homeland defense begins overseas, and he stresses the need to cooperate with, rather than alienate, allies. He wants to reprogram \$8 billion from the administration's missile-defense program to the cooperative threat-reduction program with the Russians, as well as give states \$5 billion more in first-responder funds. **Grade: B+**

JOHN EDWARDS

Edwards has also proposed an additional \$5 billion for first responders, as well as

federalizing security near other terrorist targets such as nuclear power plants. His big idea is to take domestic anti-terrorist intelligence out of the hands of the FBI and create a new anti-terrorism agency. Edwards proposes more support for public-health systems, increased security for ports, food and water supplies and communications networks, and better coordination between local police and the feds. Most of his rhetoric has emphasized what he would do, not what the administration is failing to do. Edwards is somewhat hamstrung by his fiscal moderation and reluctance to spend money. **Grade: B**

BOB GRAHAM

He was one of the early supporters of what became the Hart-Rudman Commission on terrorism and the Homeland Security Department, long before Bush embraced the idea. He has called for more resources for first responders and better security of ports and borders, but he has yet to spell out most details. **Grade: B-**

Dick Gephardt was one of the Democrats to support the Iraq War. He has not made a major speech or issued a position paper on homeland security per se. But he has criticized Bush for underfunding homeland security. His big proposal to date is a homeland-security trust fund "so states and local communities will have all the resources they need to keep families safe and secure." **Dennis Kucinich, Carol Moseley Braun and Al Sharpton** have all been strong in their criticism of Bush's military, foreign-policy and budget priorities, but none has issued a major position paper on homeland security. **Grades: Incomplete ■**



OFF THE WALL STREET JOURNAL

It's now clear that the Bush administration knowingly lied about Iraq. Paul Wolfowitz, in a rare moment of candor, admitted to a *Vanity Fair* interviewer, "For reasons that have a lot to do with the U.S. government bureaucracy, we settled on the one issue that everyone could agree on, which was weapons of mass destruction, as the core reason [for war.]" Uh-oh.

Here's the *Journal's* attempted spin control: "[I]t isn't enough that a tyrant and his psychopath sons have been deposed. ... The critics are now claiming the war was illegitimate because no one has yet found a pile of anthrax in downtown Baghdad." The *Journal* adds that Saddam Hussein's possession of "biological or chemical weapons was a probability that everyone assumed to be true."

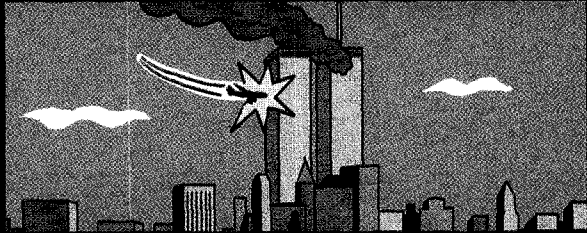
Well, everyone except a lot of CIA analysts. But according to the *Journal*, the spooks just "resent that Donald Rumsfeld's Pentagon sometimes challenges holy CIA writ, which has often been wrong about Iraq."

But hold on: In this case, the CIA was right. And in any event, the job of intelligence agencies is to provide accurate information, not to make policy. Rumsfeld was not adducing better intelligence, he was cooking the data.

Writing the same day (June 2), the ever-inventive William Safire tried a different spin in *The New York Times*, attempting to change the subject: The real intelligence failure, he declared, was the assumption that Hussein's loyalists "would put up a fierce battle for Baghdad With thousands of lives at stake, optimism was not an option."

Well, so what? The issue here is not faulty CIA reporting but deliberate lying by the CIA's political masters. There was, however, a big failure of "intelligence"—in the word's original meaning. You have to be pretty stupid not to anticipate that, without careful planning for the aftermath, wars lead to anarchy.

SEPT. 11, 1998



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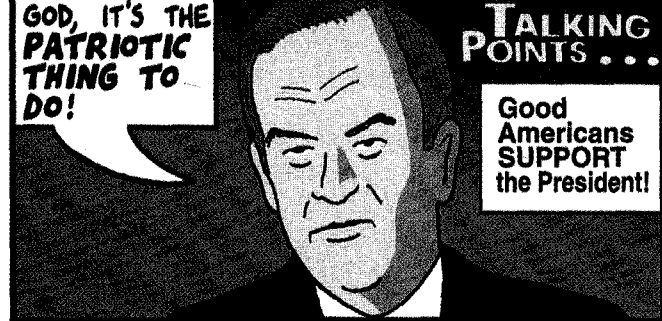
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The Road to Aqaba

BY JOHN B. JUDIS

Before the Iraq War, administration neoconservatives were fond of saying, "The road to Jerusalem runs through Baghdad." In the wake of the war and of George W. Bush's June 4 summit meeting in Aqaba, Jordan, many people in Washington think they were

right. Liberal columnist E. J. Dionne Jr. wrote in *The Washington Post* on June 6, "One core claim of the war's supporters was vindicated on Wednesday when Ariel Sharon, the Israeli prime minister, and Mahmoud Abbas, his Palestinian counterpart, committed themselves to the president's pathway to peace. Defenders of the war always said that overthrowing Saddam Hussein would change the political dynamics of the Middle East. In the short term, at least, they have been proved right."

But are they right?

Neoconservatives argued that the administration's success in Iraq—measured not only by a quick victory but by the installation of a pro-Israel regime—would lead to the resolution of the conflict in Israel. That has not happened at all. Instead, the United States, after a quick victory, has encountered profound difficulties in occupying Iraq.

It was these difficulties rather than the initial successes that finally led the Bush administration to intervene forcefully in the Israeli-Palestinian conflict.

After September 11, the Bush administration was divided over what to do about Israel and the Palestinians. Secretary of State Colin Powell believed that resolving the conflict was essential to stabilizing the Mideast and ending the threat of Islamic radicalism. He favored trying to revive the negotiations that the Clinton administration had pursued. But Pentagon and National Security Council neoconservatives wanted the administration to back Ariel Sharon's Likud Party, which opposed a Palestinian state and sought to defeat the Palestinian opposition militarily. Sharon's backers in the administration argued that by ousting Saddam Hussein and installing a pro-Israeli government (like that of exile Ahmad Chalabi), they could isolate Palestinian radicals and force an agreement on Sharon's terms.

Bush pursued the semblance of a compromise between the two factions. He paid lip service to the State Department position, coming out in favor of a Palestinian state and of the road map that representatives from the United States, the European Union, Russia and the United Nations had endorsed in April 2002. This road map laid out parallel concessions by the Israelis and Palestinians on the way to a Palestinian state by 2005. But in practice, Bush and the administration slighted the road map and tilted toward the neoconservatives and the Sharon government.

In a crucial June 24, 2002, speech, Bush put the onus for resolving the conflict entirely on the Palestinians: They had to replace their elected leader, Yasir Arafat, and end the armed intifada before the United States would support negotiations toward a Palestinian state. This March, on the eve of the Iraq War, Bush tried to appease his British and Spanish allies by reiterating his support for the road map. But he also suggested that he would welcome changes and amendments to the document, which was widely understood to be an invitation to the Sharon government to tamper with the document's timetable and requirements. After the war, when the quartet formally presented the road map to the Israelis and Palestinians, the United States was represented merely by its ambassador. And Bush continued to suggest that he would listen to Sharon's reservations about implementing the road map.

But midway through May, sometime during or after Powell's disastrous trip to the region, Bush and the administration abruptly changed course. Bush came out strongly in favor of the road map. He recognized Abbas' authority even though Arafat remains Abbas' superior. He rejected Sharon's insistence that the Palestinians make concessions prior to the Israelis; instead, Bush insisted that the Israelis and Palestinians make parallel concessions. He also rejected Sharon's insistence that the Palestinian leadership not merely repudiate but also eradicate terrorist organizations before negotiations could take place. Bush successfully pressured Sharon to endorse the agreement and to get the Israeli cabinet to support it.

What precipitated this change? The Bush administration is notoriously closemouthed, but a rough picture can be drawn from the confluence of events, off-the-record interviews and informed speculation. The key is the occupation in Iraq, which, by mid-May, had left the administration embattled and on the defensive. Inside Iraq, the United States faced a large, noisy and armed opposition to the occupation. The Pentagon attempt to install Chalabi as the head of a new government had failed, and its choice for the head of occupation, retired Gen. Jay Garner, had to be replaced. In the surrounding Mideast, al-Qaeda resurfaced in Saudi Arabia and Morocco, suggesting that the Iraq War, far from weakening terrorist networks, had actually revived them. And in Europe and the Middle East, the fail-

ure to find weapons of mass destruction fueled a pre-existing distrust of American motives.

These events undermined the neoconservative faction in the administration. The failure of the occupation was laid at the feet of Undersecretary of Defense Douglas Feith, who had appointed Garner; the growing scandal over the missing weapons of mass destruction pointed to Deputy Secretary of Defense Paul Wolfowitz, who had created a special intelligence unit to hype the threat. On a broader level, these events reinforced the State Department's argument that in order to achieve stability in the Mideast and stop terrorism, it would be necessary to resolve the Israeli-Palestinian conflict. And attempting to bring Israelis and Palestinians together would have an added benefit of diverting attention away from the growing mess in Iraq.

Sometime this spring, the faction that favored active American support for the road map gained two important recruits: National Security Adviser Condoleezza Rice and Karl Rove, the president's political adviser. Rice was won over to the State Department arguments for intervention. Rove, meanwhile, saw Bush's effort to resolve the conflict as a way of promoting Bush as a peacemaker. Rove has tried to model Bush on Theodore Roosevelt; just as Roosevelt went from Rough Rider to the architect of the Russo-Japanese peace agreement, Bush would go from citizen-soldier to diplomat. And Bush's success as peacemaker would win the gratitude of the Jewish voters and financial contributors on which the Democrats have depended.

Rice and Rove accompanied the president during his trip to the Middle East. Bush put Rice and Assistant Secretary of State John Wolf, a Powell ally, in charge of making sure that the road map moved forward. In short, Aqaba represented a victory for the faction in the administration that favors active and relatively evenhanded intervention in the Israeli-Palestinian conflict, but it came as a result of failures rather than successes in Iraq.

Administration supporters have also claimed that the war prompted Egypt, Jordan and Saudi Arabia to endorse the road map at a June 3 meeting with Bush in Sharm el Sheikh, Egypt. That, too, is highly implausible. In February 2002,

Saudi Crown Prince Abdullah had put forth a peace plan, which Egypt and Jordan endorsed, calling for Arab recognition of Israel in exchange for Israel's acceptance of a Palestinian state on the lands Israel had occupied after the 1967 War. If these countries had been skeptical about the road map, it was chiefly due to doubts about the Bush administration's commitment to enforcing it. Once Bush showed he was serious, they climbed aboard.

The Palestinians endorsed the road map in the fall of 2002, well before the U.S. invasion of Iraq. They had suffered

almost 2,500 casualties since the second intifada began in September 2000. Unemployment stood at 50 percent in the West Bank and close to 80 percent in the Gaza Strip.

On the matter of the road map, then, Israel was the lone holdout. So Sharon's apparent reversal, his new willingness to go along, probably was influenced by the U.S. show of force in Iraq. But Sharon also had purely domestic

reasons for backing Bush and the road map. Since the beginning of the second intifada, Israel's economy has collapsed—the result of a precipitous drop in tourism and foreign investment. Its unemployment is now nearly 11 percent. "Holding 3.5 million Palestinians under occupation is a bad thing for Israel, for the Palestinians and for the Israeli economy," Sharon told Israeli legislators on May 26.

Arab, Palestinian and Israeli support for the road map could certainly waver in the months ahead. Many in Sharon's own Likud Party and its coalition partners on the far right are opposed to a two-state solution, as are Hamas and the Islamic Jihad. Sharon may still be hoping for the kind of Palestinian state that would resemble the South African bantustans. Pentagon neoconservatives, while currently preoccupied with Iraq, may regain the initiative in administration foreign policy toward Israel. And Bush himself may back off as he encounters resistance from Sharon or from Palestinian terrorists. But for the moment, Bush and his administration are committed to peace in the former Palestine—and you can thank the bumpy roads in Baghdad for that. ■

JOHN B. JUDIS is a senior editor at The New Republic.

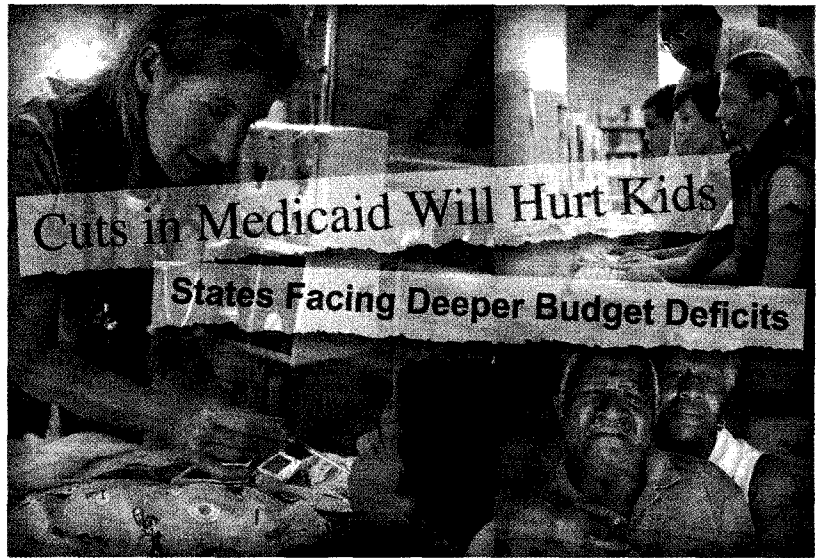


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- Funding cuts for poor and working-poor families will deny more than 100,000 children the opportunity to attend preschool, putting them at a severe disadvantage when they enter kindergarten.
- Across the nation, thousands of public employees, including social workers and child-protection specialists, have been laid off. More cuts loom.

Unlike the federal government, states are required by law to have balanced budgets every year, but even in the current crisis, governors and legislators have choices about how they deal with deficits. By closing tax loopholes and taking a fair and more balanced approach to spending cuts, they can preserve crucial programs and services.

In addition, Congress must act quickly to provide much-needed support to help states close their budget gaps.

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A handwritten signature in cursive script that reads "Sandra Feldman".

Sandra Feldman, President, American Federation of Teachers

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Dispatches



A West Bank settlement stands in apparent defiance of Israeli policy. Operative word: apparent.

Road Map to Grand Apartheid?

Ariel Sharon's South African inspiration

BY GERSHOM GORENBERG

JERUSALEM—THE BEST WAY TO UNDERstand just how Ariel Sharon plans to crumple and fold the road map to Israeli-Palestinian peace is to get out on the roads of the West Bank. Drive east from Jerusalem. Pass the stone-faced apartment buildings of Ma'aleh Adumim, a suburb of 25,000 that is the largest single Israeli settlement in the territories. Before Jericho, turn left onto a two-lane strip of asphalt that rises and plunges, in a tangle of stomach-wrenching switchbacks, through the desolate hills of the Judean Desert. To the side of the road is the settlement of Alon, a cluster of stone houses and mobile homes where several hundred Israelis live.

Keep going north. A sign points to Ein Prat—an "outpost" where a single family of settlers lives in a house built in the time of British rule. A short dis-

tance beyond is another outpost. The place is called Ma'aleh Hagit—a handful of mobile homes, a water tank, a power line that loops around the hilltop to feed the perimeter lights. An army jeep stands by a plastic swing set and slide; a pair of soldiers stand guard over the three or four families that populate the place—though under Israel's own laws, the settlers' presence is apparently illegal, outside the bounds of any government-approved settlement.

Up the road is the outpost of Mitzpeh Danny, home to another few families. Turn west, toward the Palestinian cities of Ramallah and Al-Birah, and you reach Migron, a year-and-a-half-old Israeli outpost that began with a guard watching over a cell-phone antenna. Now mobile homes cover a hilltop. On the ridge beyond, you can see

the red-tiled roofs that are the mark of older settlements.

I've watched settlements grow for years. Yet the sheer physical spread of the settlers' presence on the ridges of the West Bank today is still stunning. Not only have established Israeli communities grown but clumps of mobile homes now mark hilltop after hilltop between them. According to the Peace Now movement's Settlement Watch monitoring project, since 1996 more than 100 outposts have been established—tiny settlements, created on the cheap in apparent defiance of government policy.

But the defiance is only apparent. Ariel Sharon gave a major push to the outpost effort in 1998, when, as foreign minister in Benjamin Netanyahu's government, he publicly urged settlers to "grab more hills, expand the territory." "Everything that's grabbed, will be in our hands," he explained, and the rest of the West Bank would end up in Palestinian hands. About two-thirds of the outposts have been established since March 2001, when Sharon became prime minister—though the official guidelines of the government formed then, and of the new one formed this year, state that there will be no new settlements.

Sharon has occasionally allowed the army to dismantle an outpost, but he has also allowed more to go up. According to a recent report in the daily *Ha'aretz*, Sharon regularly holds nighttime meetings with Ze'ev Hever, head of Amana, a key organization devoted to establishing settlements, with the two studying maps together.

Sharon's love of maps is legendary. As the architect of settlement efforts since 1977, Sharon has had a consistent approach to the placement of new Israeli communities in the territories, as I've described previously in these pages. [See "A Belief in Force," April 8, 2002.] Sharon uses settlements to control the

high ground between Palestinian communities, fragmenting Palestinian-populated land.

His success was demonstrated during the Oslo Accords process: Then-Prime Minister Yitzhak Rabin agreed to Palestinian self-rule for an interim period, putting off the fate of the settlements as a bargaining chip for negotiations on a final-status agreement. Settlements and the land between them remained in Israeli hands as "Area C," with the result that West Bank territory turned over to full or partial Palestinian rule (Areas A and B) was fragmented into enclaves. Sharon, then in the opposition, bitterly opposed Oslo—yet his previous settlement building largely dictated its map.

Enclaves play a key part in Sharon's thinking. Since at least the 1980s he has publicly promoted a consistent concep-

come citizens of that state—and not of Israel, though Israel would annex most of the occupied territories.

It's no accident that the plan bears a striking resemblance to the "grand apartheid" promoted by the old South African regime, in which blacks became citizens of "independent" bantustans. According to an Israeli diplomat who spent many years in Africa, Sharon paid both secret and public visits to South Africa in the 1980s. "I saw what interested him: bantustans, as if it were just an intellectual interest," the diplomat told me. "He had a fixation with bantustans that seemed out of proportion."

The diplomat's evaluation is that Sharon is seeking to re-create the bantustan system in the West Bank. "If you tell him it failed in South Africa, he'll say that there it didn't work because of the disproportion between blacks and

accord by 2005. The plan lays out three stages. In Stage I, the Palestinian Authority must make major efforts to end terrorist attacks. But at the same time, Israel must dismantle all outposts created since March 2001 and freeze growth of older settlements. For Sharon, that's the plan's most pressing threat.

Sharon, though, has learned that it plays better to say "yes, but ..." to a peace initiative than to say "no." Rather than reject the road map, he expressed reservations. The May 25 vote by Sharon's cabinet to accept the plan was based on U.S. promises to address Israel's concerns. Those close to Sharon say his main objection is to the opening steps being simultaneous. Only after the Palestinian Authority has clamped down on terrorism should Israel have to take "political steps" such as dismantling outposts.

If the United States accepts Israel's approach, any Palestinian attack on Israelis would provide the pretext to postpone dismantling outposts. And however committed new Palestinian Prime Minister Mahmoud Abbas (Abu Mazen) may be to stopping terrorism, it's unlikely he'll be able to stop all attacks.

If he is pressed to move forward, Sharon will argue that most of the outposts are really just new neighborhoods of existing settlements; he'll try to evacuate as few of them as possible before reaching Stage II of the road map, which calls for establishment of the provisional Palestinian state by the end of this year. Sharon's goal will be to keep the borders of the new state close to what the Palestinians were given under Oslo.

And then, says Yossi Alpher, a leading strategic analyst, the prime minister "will try to stop in Phase II"—leaving a Palestinian state consisting of enclaves. He'll seek to make that "interim" stage last indefinitely. "If Sharon gets his way," Alpher warns, Israel "will look more like South Africa." Sharon would claim he has ended Israeli rule over the Palestinians while in fact Israeli domination of the West Bank and Gaza Strip would deepen.

Immediately, the key question is whether George W. Bush will press Sharon to fulfill the road map's intent and dismantle all outposts. Bush's record on Mideast diplomacy doesn't inspire much hope.

One Israeli diplomat, who spent many years in Africa, believes that Ariel Sharon is seeking to re-create the South African bantustan system in the West Bank.

tion for the permanent disposition of the West Bank and Gaza Strip: Israeli annexation of most of the land while leaving most of the Palestinian population in pockets with limited self-rule. In a 1988 *Washington Post* interview, Sharon spoke of Israel annexing the "high controlling territory" while leaving 70 percent of the Palestinians in "autonomy enclaves." In a 1995 op-ed article in *The Jerusalem Post*, he wrote of Israeli "security zones" that would include strips cutting across the West Bank for two kilometers on either side of strategic roads.

Apparently Sharon has changed his views: Since becoming prime minister, he has said he favors a Palestinian state. That's allowed him to appear more centrist in Israel and more conciliatory in Washington while arousing wrath in his own right-wing Likud Party. Again, the key word is "apparently." Sharon has spoken of the Palestinian state getting 42 percent of the West Bank and Gaza Strip—the amount of land turned over to the autonomous Palestinian Authority under Oslo. The Palestinian "state," in other words, would consist of discontinuous enclaves. Palestinians would be-

whites, but that here [the Jews] are still a majority." Backing up that evaluation is a recently published booklet by far-right politician Benny Elon, who regards even Sharon's version of a Palestinian state as dangerous. The booklet contains a map of the state-to-be—taken from a document published by Sharon a decade ago, according to Elon's spokesman. The map shows 11 separate enclaves with a gerrymandered shape familiar to anyone who remembers the bantustans of the old South Africa.

Here's where the outposts come in: They fill in the gaps between settlements in Area C. The initial number of settlers in each spot is tiny. But with those small numbers, the physical presence of Israeli civilians extends through Sharon's "security zones." The longer the outposts are in place, the more people will move to them and the harder it will be to evacuate them.

With that strategy, Sharon has approached the road map—the plan hammered out by the United States, the United Nations, the European Union and Russia to achieve an interim Palestinian state by the end of this year and a permanent Israeli-Palestinian

But even more important could be what the United States does in 2005, when, according to the road map, it will be time to move past the "provisional" Palestinian state to a final-status agreement. That could spell the end of Sharon's plan—but only if there is firm pressure from Washington. In large part,

the future of the occupation may depend on who occupies 1600 Pennsylvania Ave. two years from now. ■

GERSHOM GORENBERG is a Prospect senior correspondent and the author of *The End of Days: Fundamentalism and the Struggle for the Temple Mount*.

Remaking Steel

Without throwing its retirees on the slagheap

BY DAVID MOBERG

HIS UNION'S MISSION, SAYS LEO GERARD, United Steelworkers of America's international president, is "saving these damn plants for our members, retirees and the next generation of workers"—not for corporate executives or nonunion subcontractors. With temporary import protections now providing a little stability for the battered American steel business, United Steelworkers is actively encouraging the reorganization of the fragmented, mainly bankrupt industry into fewer, stronger companies.

Many analysts have written off the steel industry as hopeless, and most of those who haven't assume that steel companies can only survive by dumping all of their responsibilities to retirees, drastically slashing employment of union workers, and cutting wages and benefits. But the union believes that the industry can be saved—and the living standards of both workers and retirees protected—if owners invest in newly consolidated operations, excess management is trimmed, and workers and the union are given a stronger voice, from a redesigned shop floor on up. In recent months, these changes are precisely what the union has been securing.

In Europe, government policies such as health insurance and income protection pick up much of the social cost of the recent steel-industry consolidation, rather than imposing it on either workers or the companies. But in the United States, the Steelworkers have had to create an industrial policy for steel through a patchwork of innovative union collective bargaining, bankruptcy-court negotiations and often inadequate government programs. Union leaders want

to avoid shifting the social costs of reorganization to either the roughly 188,000 active employees or to the 600,000 retired steelworkers and their dependents who rely on contractually negotiated pensions and, until recently, employer-paid health insurance. But many retired steelworkers are still falling through holes in this makeshift safety net.

Take the case of 52-year-old Larry Ross, who retired a year ago after 32 years at National Steel in Granite City, Ill. Last December the Pension Benefit Guaranty Corporation (PBGC), the government pension insurance agency, took over the bankrupt company's retirement plan. The PBGC sets caps on retirement pay that especially penalize early retirees, and its rules will prevent Ross from receiving the full pension improvements included in the last union contract. That will cut his \$1,800 a month pension by \$400 and reduce his expected increases.

But health care is even more of a problem for Ross. Unlike National, which paid for a portion of retiree health insurance, the PBGC pays nothing. Last year, as part of the renewal of the federal Trade Adjustment Assistance act, Congress provided a tax credit equal to two-thirds of the cost for workers to continue their employer's health insurance after leaving employment. But it only applies to workers between the ages of 55 and 65, which leaves Ross out. He's shopping around for a new policy, which will more than double his current cost to at least \$500 a month, and also thinking of doing without. "Hope I don't get anything that kills me until I can find work,"

he said. "There's no way I can pay the bills, eat and buy [health] insurance," he said, even though he needs expensive medicine for a heart condition.

Bruce Gerfen, just a year younger than Ross and still working at National Steel, faces a different retirement problem. Last December, in a move that angered the Steelworkers, the PBGC terminated National's pension plan prematurely, even though the sale of the company was still uncertain. Three weeks later, Gerfen reached his 30th anniversary of working at National and would have been eligible to retire early with benefits like Ross'. Now he will have to wait until he's 62—another 12 years—to retire and collect benefits. Also, because of the early pension-plan termination, nobody will be eligible to receive the special shutdown benefits that the union had negotiated. They will accumulate pension benefits for future work in a special union-established multi-employer pension plan, which will supplement pensions they receive for their past work under the old National Steel plan.

"Now everybody is worried about the medical insurance and leaving at all," let alone retiring early, Gerfen said. "Everybody is thinking they may have to work for a long time."

Compared with workers who never had a federally insured defined-benefit pension and may have lost most of their 401(k) savings in recent years through stock-market collapse and corporate scandal, Ross' and Gerfen's problems may not seem severe. Indeed, a few steelworkers are both collecting pensions and working, and most who didn't retire early will not suffer big pension losses, except for future increases the union might have negotiated. But these corporate contractual promises were also deferred pay for the hard work steelworkers had already done.

The PBGC effort to limit its responsibilities to steelworkers by terminating plans early and thus blocking the special shutdown benefits has also complicated the union's consolidation plans. From a bean counter's viewpoint, the PBGC action might make sense. Even though it faces no problem paying bills for the foreseeable future, the PBGC balance sheets plunged from a \$7.7 billion surplus to a deficit of \$3.6 billion over the past fiscal year. This decline, five times worse than in any previous one-year pe-

riod, resulted from a drop in values of the PBGC's stock investment coupled with a surge in bankruptcies of companies with badly underfunded pension plans. Steelworkers account for 56 percent of all claims against the fund, but only 3 percent of all workers insured.

On the other hand, union leaders argue that the PBGC isn't supposed to balance its books by limiting protection of workers. If anything, the PBGC's policies have recently grown worse. Before its actions in several steel cases last year, union spokesman John Duray said, "The PBGC worked with the union and the company to coordinate termination of the pension and takeover by the PBGC. The existence of the pension fund was used to offset some of the cost of downsizing the work force, giving people incentives and making it possible for them to retire." However, in its recent agreements with steel companies, such as a contract to cover National Steel workers as U.S. Steel takes over the company, the union had to negotiate "transition" payments and bonuses to encourage early retirements and permit reductions of the work force without layoffs. That increased the cost of the package and the difficulty of reaching an agreement. "It was a big issue in negotiations," said Jim Robinson, District 7 director of United Steelworkers. "The shift in PBGC policy made it more difficult. The biggest thing is people won't get as good a deal."

But the worst problem for the greatest number of steelworkers is the loss of company-paid health insurance for about 208,000 retirees and dependents, including 51,200 who are not yet eligible for Medicare. Even with the new tax credit, these older workers will be financially squeezed. Although a new owner such as U.S. Steel has no legal obligation to National Steel's retired employees (who never worked for U.S. Steel), the union felt it had a moral obligation. In every takeover in recent months, the union has negotiated arrangements for the new employer to pay a share of profits (plus transfer money from previously negotiated benefit funds) into a special program to provide health-insurance benefits for the purchased company's retirees. This will never fully replace what these retirees had, but it's a significant expansion of corporate social responsibilities.

The breakthrough for the United

Steelworkers came last year when new outside investors—the International Steel Group—bought the shuttered LTV steel operations (and later Bethlehem Steel). International Steel agreed to a drastically different relationship with the union that gave workers more power, dramatically reduced management and subcontractors, and to a large degree protected the jobs and incomes of union workers. In expanding this new model to the rest of the industry, the union has worked hard to protect the livelihood of retired workers as well, but the shortcomings of American pub-

lic policy, especially the lack of national health insurance, have left too many older workers with reduced incomes and new health-care risks. The union's strategy to save and strengthen a vital and viable industry without making workers and retirees pay the price for both past bad management and the pressures of a globalized economy may still succeed. But with smarter public policy, the odds of this grand gamble winning would be much better. ■

DAVID MOBERG is a senior editor at *In These Times*.

UNderappreciated

Despite its right-wing U.S. critics, the UN often succeeds.

BY HEIDI PAUKEN

"I'm not a big fan of the United Nations. But if the UN was good for anything, it would be something like this. Since the UN was no good for this, maybe they're good for nothing."

—REP. ROSCOE BARTLETT (R-MD.),
on the eve of war in Iraq

THE UNITED NATIONS IS EASY TO HATE. With operations sprawling from Manhattan's First Avenue to the far reaches of Azerbaijan, a byzantine organizational structure including nearly 9,000 employees and a \$2.6 billion annual budget, it can be inefficient, inconsistent and unresponsive. It's failed miserably at times at its primary objective—keeping the peace—by virtually ignoring Rwandan genocide and standing by as Bosnian Serbs overran the town of Srebrenica, a UN-designated "safe area." Such disappointments led former Israeli Foreign Minister Abba Eban to compare the UN to "an umbrella which folds up every time it rains." The late Sen. Daniel Patrick Moynihan (D-N.Y.), a former representative to the United Nations, dubbed the chamber a "theater of the absurd."

More recently, President George W. Bush, the aforementioned Bartlett (who also introduced a 1997 bill to restrict U.S. payments to the United Nations) and neocons itching to launch the war in Iraq believed that if they bellowed enough about these UN shortcomings,

they could render the world body irrelevant—making an unfavorable Security Council judgment on Iraq meaningless. While Bush prefers a go-it-alone approach to foreign policy, most presidents have secured support from the UN community before acting on international issues. So it's worth recalling a few of the episodes wherein the United Nations has proven itself an essential vehicle for multilateral conversation and cooperation, a means of resolving conflict and improving living conditions worldwide, and a reflection of an increasingly tight-knit global community.

Established in 1945 as the successor to the League of Nations—a multilateral organization conceived during World War I to "promote international cooperation and to achieve peace and security"—the United Nations originally consisted of 51 member states. It now includes 191 countries, and peacekeeping remains a primary concern, as well as its most challenging mandate. As John Ruggie, former UN assistant secretary-general who now directs Harvard University's Center for Business and Government, notes, "If you look at the whole track record of UN peacekeeping roughly, it's been moderately successful in containing conflicts in about half of the cases."

Cambodia is one such case. "If that's not a success, you won't find too many,"

says Michael Doyle, director of the Center of International Studies at Princeton University. During the mid-to late 1970s, the brutal Khmer Rouge regime left more than 1 million Cambodians dead; throughout the '80s, it embroiled the nation in a violent civil war. Several nations tried to set up a coalition government in Cambodia and failed. In 1991 the United Nations moved in, spending more than \$2 billion on a peacekeeping operation, which resulted in democratic elections in 1993 that brought 90 percent of Cambodians to the polls. Contemporary Cambodia isn't perfect, but it is an internationally recognized government and boasts a developing economy. Members of the Khmer Rouge could soon be brought to justice via a UN-sponsored court. "If you put all that together and compare that to pre-1991," says Doyle, "it is positive, substantial and probably sustainable."

When a UN intervention fits the conflict at hand—certain struggles require a lesser degree of intervention than a bitter civil war—peacekeeping missions tend to succeed, says Doyle, citing the recent liberation of East Timor as an

example. On May 20, 2002, following three years of intense UN governance, East Timor became the world's newest nation. More than 120,000 East Timorese were killed or died from diseases from 1975 to 1979 under a violent Indonesian occupation. In August 1999, the United Nations oversaw a referendum in which 78 percent of East Timorese voted for their independence. A month later, then-President Bill Clinton urged the United Nations to send a peacekeeping mission to East Timor to contain violence and implement the territory's self-determination.

Decolonization is an essential component of the UN Charter, and more than 80 former colonies have gained their independence since 1945. Today only 16 "non-self-governing territories" remain. "The UN had a very significant success, which we've forgotten about" in the struggle for decolonization, "which, in another form, was then carried to the struggle of apartheid," says David Malone, president of the International Peace Academy and former Canadian ambassador to the United Nations. To this end, the United Nations isolated

South Africa for decades, imposing an arms embargo and stripping the nation of its UN credentials in 1974. The United Nations ultimately played a significant role in dismantling apartheid and arranging a democratic election in 1994.

BESIDES ITS PEACEKEEPING ROLE, THE United Nations has the unique ability to elevate less visible issues—from landmine excavation to literacy initiatives—on the international agenda. Take, for example, the struggle for human rights, not only on the grand scale of a South Africa or a Cambodia but by the smallest of tribes in South America. "It is difficult for political leaders to always see the connection between human rights and the national interest," says William Schulz, executive director of Amnesty International USA. "It isn't a connection that many political leaders can recognize ... and it is tempting to shunt human rights as an add-on and not central to public policy."

The United Nations helped leaders make that connection in the case of the Yanomami, an indigenous tribe in the northern Brazilian Amazon state of

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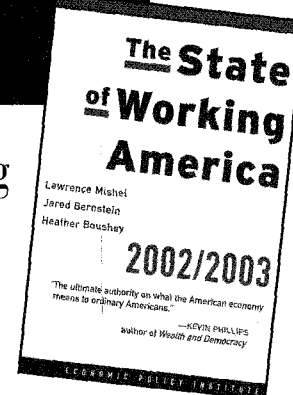
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The State of Working America 2002/2003

By Lawrence Mishel,
Jared Bernstein,
and Heather Boushey



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Roraima. During the 1980s, Brazilian gold miners overran the Yanomami and killed 20 percent of its population, more than 1,500 people, either by direct violence, malnutrition or disease ushered in by the gold rush, according to Tim Coulter, executive director of the Indian Law Resource Center. Acting on pleas from indigenous-rights advocates, UN Secretary-General Javier Perez de Cuellar intervened and delivered several ultimatums to the Brazilian government to expel the miners. "Well, it worked," says Coulter. "It put a stop to the deaths of the Yanomamis. That was a major accomplishment." Three years ago, the United Nations established the Permanent Forum on Indigenous Issues, an advisory body to the Economic and Social Council designed to give indigenous communities a voice within the larger UN framework.

Another way in which the United Nations has shown its value recently is through the World Health Organization. The group distributed information about SARS, the respiratory syndrome that started in China and quickly spread around the globe, which led many coun-

tries to quarantine those with symptoms, thus keeping the death toll from reaching epidemic proportions so far. "SARS, AIDS, TB—all jump borders in an era of globalization. Disease even very far away matters desperately to Americans," says the International Peace Academy's Malone. "The minute you shift to the medium and long term, you realize that improving international health standards are critical to maintaining health within the United States." We can also thank a 13-year effort by the World Health Organization for the eradication of smallpox in 1980; the United Nations estimates that the effort has saved \$1 billion each year in vaccination and monitoring.

Combating disease is just one way that the United Nations directs resources to impoverished communities. Malone also cites UN resolutions on poverty, in which industrialized nations have promised to devote 0.7 percent of their gross domestic products to external aid each year, as an important source of relief. Whereas most of these donor countries actually slashed their aid programs in the '90s, the UN Millennium Summit

jump-started the discussion so that more nations are finally making good on their commitments. Additionally, UNICEF (the United Nations Children's Fund), founded in 1946 to help European children after World War II, now operates offices in 162 countries and territories and marks improvements in children's quality of life through its annual "State of the World's Children" report.

TWO YEARS AGO, WHEN THE UNITED Nations received its seventh Nobel Peace Prize, the committee that awards the prize aimed "to proclaim that the only negotiable route to global peace and cooperation goes by way of the United Nations." Presumably the committee was aware of both the United Nations' failures and successes. As Dag Hammarskjöld, the second secretary-general, once said, the United Nations was not created to take mankind to heaven but merely to save humanity from hell. A highly imperfect institution can be highly important, too. ■

HEIDI PAUKEN is a Prospect editorial assistant.

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Will Bush Pay for Deception?

BY PAUL STARR

There are lots of reasons to think that the failure to find weapons of mass destruction in Iraq will merely be a historical footnote to the war. Polls this spring have shown little public concern about the government's inability to validate the principal reason

that it offered the world for military action. There hasn't even been much of a stir about news reports indicating that before the war the administration manipulated and misrepresented intelligence to exaggerate the dangers posed by Iraq.

The institutional weakness of the Democratic Party is partly responsible for the absence of a strong domestic political reaction. Republican control of both houses of Congress has deprived Democratic critics of the use of public hearings as a means of focusing the nation's attention on the administration's deceptions. And amid the Democrats' cacophonous presidential race, no voice stands out strongly enough to put the administration on the defensive.

But the problem goes deeper. As long as the war itself seems a success purchased at a relatively low cost in American lives, the public is unlikely to question how we got into Iraq. The sentiment seems to be that even if the president lied about weapons of mass destruction, they were only one of several reasons for war. In this view, it wasn't as if George W. Bush was personally deceiving us for an immoral reason, like covering up an affair with an intern. He did it for a good cause, getting rid of a tyrant, and the Middle East is already safer and more disposed toward peace as a result.

Most likely the way we got into Iraq will become an issue only if the public calculus about the war changes—particularly if the costs of occupying Iraq become unacceptable and there appears no easy way to get out with any semblance of success. In fact, the costs are already going up.

Week by week since Bush declared the war over, American soldiers have continued to die in Iraq. And instead of the troops returning home for triumphant parades, a large-scale military deployment there seems likely for a long time.

Iraq also threatens to become a long-term burden financially. Contrary to what most people believe, the income generated by the Iraqi oil industry, if and when it is fully reconstructed, will not cover the costs of rebuilding the country and paying its debts.

Getting out of Iraq will be harder than getting in for other reasons as well. One of the motivations for the war

was to give the United States a more reliable platform than Saudi Arabia for influence and operations in the Middle East. The United States is not about to end the occupation of Iraq without solidifying its position there. The American invasion may well be stabilizing the Middle East, but by the same token withdrawing American troops at some future time may destabilize the region.

In short, we could be looking at deployments in Iraq for decades, but unlike our forces in Europe and Asia, these soldiers will likely be targets of Islamist and nationalist violence and suffer continuing casualties.

Never having leveled with the public about the potential for this kind of long-term, bloody entanglement, the Bush administration faces a potential backlash as the realities set in: Will Americans patiently accept the costs of occupying Iraq through next year's election? Through 2006? Will Americans simply get used to a costly occupation or begin to ask whether it was necessary and wise in the first place? That is where the issue of original deception will come in.

There were good reasons to favor the overthrow of Saddam Hussein. That's why I wrote in support of going all the way to Baghdad during the original Gulf War. But Gulf War II was different from the start—different because Bush Junior's unilateralism undermined international institutions, different because the administration lacked the evidence to show that war was necessary, different because the enterprise lacked legitimacy. Now we know Gulf War II was also different because it was based on twisted intelligence and outright deception.

Many people who five years ago professed to be outraged by presidential lies about a sexual affair are now indifferent about presidential lies used to secure the consent of Congress and the public to go to war. To me it seems an odd moral ranking, but I expect public indignation about Bush's deceptions will vary directly with impatience about ending the occupation. What America needs now even more than a reckoning with the truth is a prompt and just course out of Iraq—or at least out of our unilateral occupation of Iraq—before we get so accustomed to our new imperial role that our leaders are tempted to extend it. ■

Berserkeley Works

BY DAVID L. KIRP

"Berserkeley," that famous play on Berkeley, Calif.'s name, calls to mind the city's widely held image. The media feast on tales about kooky characters such as the "Naked Guy" who organized a mass "nude-in" to protest social repression, or the

homeless man who converted a city councilman's office into his nocturnal abode. A measure on last fall's ballot that threatened six-month jail terms for café owners who served coffee that wasn't "organic, shade-grown or fair-trade certified" prompted one columnist to muse that it was "odd how life can resemble a 'South Park' episode." And what other community would pick April Fools' Day to commemorate the sesquicentennial anniversary of its founding?

But these tales of the city don't tell the whole story. Berkeley originated many ideas that were initially dismissed as oddball but are now seen as hallmarks of progressive policy: divestiture from apartheid-era South Africa and voluntary public-school desegregation, as well as bans on Styrofoam "to go" cups and smoking in public places. It was also one of the first cities to implement curbside recycling. And at a time when many cities and local governments are facing budget shortfalls, Berkeley is actually running a small surplus; it's a model of how government ought to work.

Berkeley elected the country's first socialist mayor, in 1911, and its public services would gladden any social democrat's heart. It has long been the epicenter of the disability-rights movement, and more than 30 years ago it pioneered curb cuts. More than a thousand children attend city-run summer camps, which are subsidized for poor families. A mini-grant program run by the parks department funds neighborhood initiatives. About 18 percent of the population takes public transportation to work—four times the national and state averages—which is one reason the American Federation for the Blind recently named Berkeley one of the best places in the country to live. Libraries stay open weekends and most nights (people use them, too!). There's even a tool-lending library—another Berkeley innovation—for do-it-yourselfers.

The city's architectural preservation, meanwhile, has won international awards, and no place in the world has done as good a job on earthquake preparedness. Almost every public building has been retrofitted and is being supplied with emergency caches of food. And mainly because of sizeable city tax incentives, nearly 60 percent of all homes have been retrofitted as well.

Five years ago, when a health survey turned up alarmingly high rates of low-birth-weight babies, especially among African Americans, Berkeley did more than fret.

Health officials, together with the University of California's School of Public Health and a local hospital, targeted help for the poorest neighborhoods—everything from delivering more prenatal care to providing breast-feeding peer counselors. Meanwhile, a door-to-door canvass brought the message into the community. Since 1999 there has been a 40 percent decrease in low-birth-weight babies, and the disparity between black and white infants has been reduced from 4-to-1 to 3-to-1. Though Berkeley officials rightly say that's not good enough, it's still a stunning accomplishment. To celebrate Berkeley style, 1,136 women came together in a mass breast feeding last summer, breaking the *Guinness* world record.

What's most surprising, the city has done all this while keeping the books in balance. It raises more money per capita than its neighbors, with a hefty real-estate parcel tax that's exempt from the tax-limiting Proposition 13, and it manages its revenue intelligently. During the current fiscal crisis, Oakland and San Francisco have had to lay off a number of workers. But because of smart planning, including a hiring freeze and substantial reductions in capital expenditures, Berkeley will turn a small surplus this year—money that will prudently be added to the city's contingency fund, 6 percent of the general fund.

As might be imagined, the level of civic engagement is high, and so is the decibel level. Hundreds of people turn out to debate how a traffic light is timed. Anyone can lodge a complaint about the installation of a hot tub, and take it all the way to the city council. But such steroidal democracy doesn't keep the city from being run effectively. From the news accounts, who'd imagine that Moody's, the bonding company, has given Berkeley one of the top ratings in California?

Those who run Moody's aren't likely to sympathize with the "politically correct coffee" initiative. Then again, neither were Berkeley voters, 70 percent of whom voted against it. You're not likely to have read that story, though. It makes Berkeley seem, well, less Berserkeley. ■

DAVID L. KIRP is a professor at the University of California, Berkeley's Goldman School of Public Policy. His latest book, *Shakespeare, Einstein, and the Bottom Line: The Marketing of Higher Education*, will be published this fall.

Third Time's No Charm

BY ROBERT S. MCINTYRE

So Congress passed the Third Annual Awful Bush Tax Cut. It was a close vote in the Senate, with Vice President Dick Cheney breaking a 50-to-50 tie. But both sides agree on one thing: The cost of the bill over the next decade will be far more than

its advertised \$350 billion price. A trillion dollars or so is more plausible.

To squeeze a trillion dollars into this year's \$350 billion target, Republican leaders specified an array of sunset dates for most of the tax cuts. Items mainly affecting middle-income taxpayers, such as the increase in the child credit to \$1,000 and lower tax brackets for married couples, will end after two years. A \$60 billion cut in corporate taxes also expires after two years—to be followed by big corporate tax increases! Likewise, measures to keep tens of millions of taxpayers from falling under the dreaded "alternative minimum tax" have a two-year time limit.

More generous treatment goes to the GOP's favorite items. The cuts in the top tax rates previously scheduled for 2006 move up to 2003 and stay in place through 2010. The drop in the top tax rate on capital gains and dividends to 15 percent runs through 2008 (although even that late sunset was crucial to the pretense that the bill will cost only \$350 billion).

Even before the bill passed, its backers were boldly promising that the sunsets were merely a charade to get around the budget rules. But that transparent hoax was enough to gather the deciding vote from Sen. George Voinovich (R-Ohio), who had earlier pledged to oppose any tax cut totaling more than \$350 billion over 10 years because it would be fiscally irresponsible. As the final vote neared, Voinovich praised GOP leaders for letting him pretend not to prostitute his supposed principles. "I appreciate the fact that they've been trying to honor my concerns and make me an honest man," he told *The Associated Press*.

Meanwhile, President George W. Bush is crowing about getting pretty much everything he wanted in terms of upper-income tax cuts, and he's assiduously trying to convince ordinary Americans that there's much more for them in the bill than actually exists. In his speeches, Bush implies that most people stand to gain \$1,000 or more a year in tax savings. But he's off by about a factor of 10.

Married couples with children are the only household

type whose typical tax cut will (temporarily) approach Bush's \$1,000 figure. Their median tax cut will be \$958 this year and next, mostly from the short-term boost in the child credit. But couples with children represent only 22 percent of all taxpayers. Couples without kids, a slightly larger group, will typically get \$332. The 42 percent of taxpayers who are single without children will get \$50. As for single parents, most earn so little that they won't even benefit from the temporary child-credit increase; their typical tax cut will be \$5.

Overall, almost half of America's taxpayers will get less than \$100 a year in tax cuts this year and next, and three-quarters will get less than \$100 in 2005. After that, when only the tax breaks for capital gains and dividends remain in effect, nine out of 10 taxpayers will get less than \$100.

Thus, contrary to Bush's falsely advertised \$1,000, the typical tax cut from this year's tax bill is actually only \$120, and it drops to zero after 2004. The best-off 1 percent, however, will do just fine:

Their tax cuts will total almost \$100,000 each over the next four years, and continue thereafter.

So what has Bush wrought so far with his first three rounds of tax cutting? Deficits as far as the eye can see. A government too broke to meet its obligations, even to Social Security. And a huge reduction in the wealthiest Americans' tax burden.

Assuming that this year's tax cuts for investors and corporations don't actually expire and the alternative minimum tax is fixed, Bush's tax cuts are scheduled by 2010 to slash by a fourth the taxes that pay for the vast bulk of general government programs. Add in the staggering increase in interest payments that the tax cuts entail and Bush's program will reduce the money available to pay for defense, homeland security, education and all other appropriations by a third.

Scared yet? ■

ROBERT S. MCINTYRE is the director of Citizens for Tax Justice.



A Few Good Men?

BY E.J. GRAFF

The Marines are about to be hit by the same kind of sexual-harassment scandal that rocked the Army, Navy and Air Force. As yet, no Marine has gone on record talking about rape. But someone will—and I bet it will be soon. Documents I recently obtained

show that the same hostility found in the other services is deeply embedded in the Marines. Worse, this past February, Secretary of Defense Donald Rumsfeld purged the committee that reported on the corps' miserable climate, and stripped the committee's charter of key investigative powers. The Defense Advisory Committee on Women in the Services, or DACOWITS, long targeted by the radical right, isn't exactly a feminist innovation; it was established by Secretary of Defense Gen. George Marshall in 1951 to give military women (those leftists!) a voice.

According to two DACOWITS reports—delivered, with spectacularly unfortunate timing, on Sept. 10, 2001—women entering boot camp are told “that there are only three kinds of female Marines: ‘bitches, lesbians, and whores.’” Both men and women say that male Marines regularly call female Marines “bags of nasties,” or use the semi-official designation for women Marines, “WM,” to mean “walking mattress.” One woman is quoted as saying that her commanding officer told her flatly, “If you don’t fuck me I’m going to give you a poor evaluation.”

No employer can entirely stop employees from misbehaving, but it can swiftly punish those who do. The Marine Corps flunked that respect-and-respond test. “Senior enlisted men confirmed, laughingly, that sexual harassment goes on,” reported DACOWITS in 2001. “The men stated that women do not belong in the Marine Corps. They laughed about the derogatory names the women are called.” One of the investigators, Barbara Glacel, says that a group of men explained, “in very graphic terms, that women should not be allowed to go into any frontline situation because they smelled so bad when they menstruated that they would attract the enemy.”

If a woman does “request mast,” the Navy term for leapfrogging your immediate superiors and reporting to higher-ups, woe is she. “A senior male [noncommissioned officer] confirmed that a woman Marine requesting mast would be ‘annihilated,’” according to these reports. The findings were corroborated in a scathing follow-up report by the Marine Corps inspector general’s Special Readiness Assessment Team.

Nor have things improved since 2001. This June, Marcella Baker, a sexual-assault counselor at the civilian

Onslow Women’s Center in Jacksonville, N.C., near where Camp Lejeune’s 30,000 Marines are stationed, said that her office gets about one call each month from a female Marine who’s been raped by a fellow Marine or officer, a number she thinks is low as not everyone on base knows about the center.

She added that many women “feel they’ll get penalized if they report someone of higher rank.” As a result, and because they can’t legally quit until their term is up, they feel trapped.

The Pentagon public-affairs office rejected a request to interview the post-purge DACOWITS chairwoman, retired Lt. Gen. Carol Mutter, once the Marine Corps’ highest-ranking female. The Marine Corps inspector general’s public-affairs office issued a statement saying that a Marine Corps Climate Assessment Task Force will soon be issuing a brief about how to, in the statement’s words, “Better educate Marines and commanders about the Marine Corps’ policies on equal opportunity and sexual harassment.”

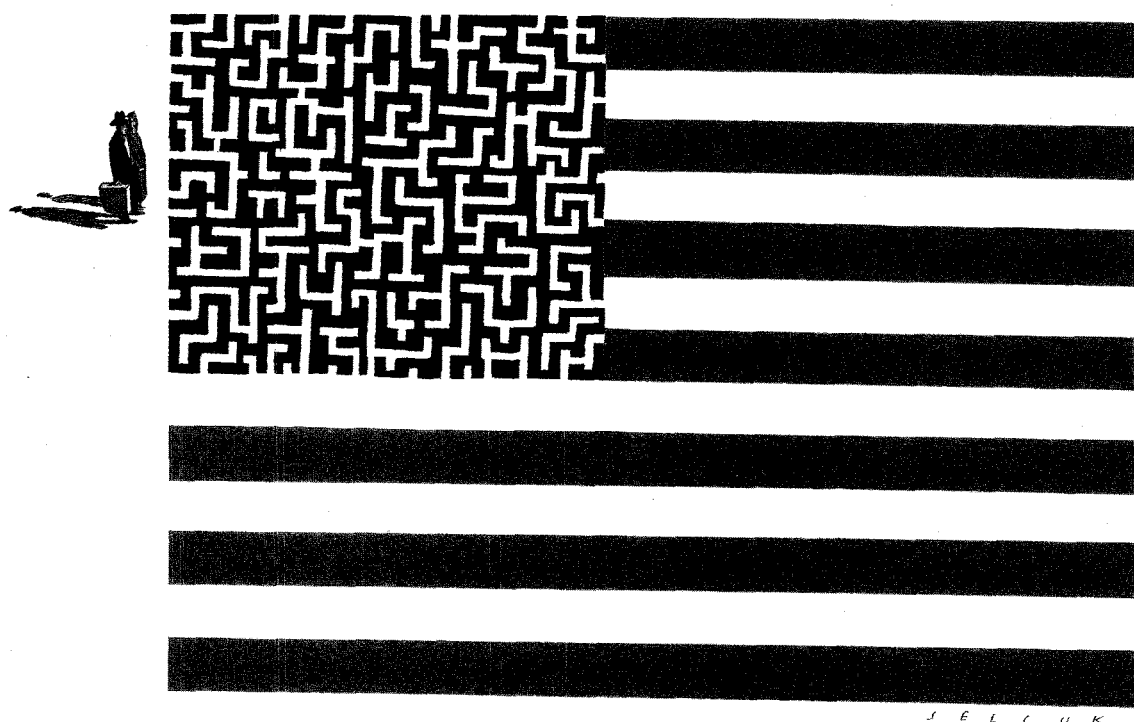
Let’s hope those recommendations are searingly clear. Because here’s the real scandal: In practice, the Marine Corps sanctions the idea that only a man can be a real Marine. As the other services have found, that attitude can lead to rape. And according to research cited by the other military services, when women and minorities enter non-traditional jobs, their vulnerability to harassment goes down as their numbers go up.

Women Marines make up just 6 percent of the corps, less than in any other military service. “Most [Marine Corps] jobs are coded as combat jobs and off-limits for women,” explained Carolyn Becraft, who under President Bill Clinton was assistant secretary of the Navy for manpower and reserve affairs (which oversees the Marines). “Coded as” is the key phrase; it doesn’t mean the jobs actually take you into combat. Marene Allison, one of the purged DACOWITS investigators, says, “If any other corporation talked about and treated women this way, they would be hung and sued. But in the military, we say ‘boys will be boys.’” ■

E.J. GRAFF is a Prospect contributing editor and the author of *What Is Marriage For?*

THE AMERICAN PROSPECT

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IMMIGRANTS IN THE NEW ECONOMY

Douglas S. Massey, Joseph Rosenbloom, Harold Meyerson,
Jeff Faux, John Bowe, David Bacon, Michele Wucker

Closed-Door Policy

Mexico vividly illustrates how U.S. treatment of immigrant workers backfires.

BY DOUGLAS S. MASSEY

At the dawn of the 21st century, the United States offers a contradictory model of global economic openness. American policy has relentlessly promoted open commerce, leading the way by freeing its own markets to foreign investment, trade and travel.

America's own borders have become increasingly open for flows of capital, goods, commodities, information and certain favored classes of people: entrepreneurs, scientists, students, tourists and corporate employees. When it comes to the movement of ordinary labor, however, America has not sought openness. Rather, the thrust of U.S. policy since the 1950s has been to make it more difficult for workers to enter the United States in search of jobs, except via narrow programs under corporate control.

This contradiction is nowhere more apparent than in U.S. relations with Mexico, which together with Canada is our largest trading partner. Since 1986, U.S. officials have worked closely with officials in both countries to create an integrated North American economy, open to flows of goods, capital, commodities, services and information. Yet within this integrated economy we somehow, magically, do not want any labor to be moving. Against all logic, we wish to create an integrated, continent-wide economy characterized by the free movement of all factors of production except one.

This schizophrenia is manifest in the fact that, since the mid-1980s, we have moved in two diametrically opposed directions, at once promoting integration while simultaneously seeking separation. Between 1985 and 2000, total trade between Mexico and the United States increased by a factor of eight, the number of Mexican tourists quintupled, Mexican business visitors and intra-company transferees tripled, and the total number of persons crossing the border for short visits doubled. All this came about according to plan, and only intensified with enactment of the North American Free Trade Agreement.

At the same time, however, U.S. officials have sought to maintain the illusion of separation. As trade expanded between 1985 and 2000, U.S. spending on border enforcement increased by a factor of six, the number of U.S. Border Patrol officers doubled and hours spent by agents patrolling the frontier tripled. During the 1990s, two of the top 10 fastest growing job categories in the federal workforce were "Immigration Inspector" and "Border Patrol Agent." Today the Border Patrol is the largest arms-bearing branch of the U.S. government except for the military itself, with a budget

well in excess of \$1 billion per year. In many border communities, the Immigration and Naturalization Service is now the largest employer.

Why has the United States chosen to militarize a peaceful border with its closest trading partner, a democratic country that poses no conceivable threat to U.S. security? The answer, I fear, rests on seriously mistaken notions about the nature of immigration in today's postindustrial, globalized economy.

The most basic misconception is that, without a heavily militarized border, the United States will be invaded by an army of destitute immigrants fleeing abject poverty, or flooded by a tidal wave of poor foreigners eager to take Americans' jobs and consume public services at taxpayer expense. Politicians—liberal as well as conservative—find the imagery of invasions and floods useful during periods of economic insecurity and rising inequality, for it deflects attention from more fundamental questions about the distribution of wealth and power in the United States. Immigrants provide a convenient scapegoat to absorb voter anger about the erosion of wages, the instability of unemployment and declining access to social benefits. Politicians and the media periodically manufacture immigration and border crises as the need arises, and the restrictiveness of immigration policies is inversely correlated with the business cycle.

The truth is that most immigrants to the United States are not desperate people fleeing poverty and social chaos overseas. International migration is a well-ordered process connected to broader processes of global trade, geopolitical integration and market expansion; it is simply the labor component of a globalizing market economy. Developed nations that receive flows of capital, goods, services and commodities also receive immigrants. As a result, western Europe, Japan, Korea, Singapore and other countries have joined traditional immigrant-receiving nations such as the United States, Canada and Australia to become net importers of labor.

The poorest and most populous nations of the world, with a large share of those who have the most to gain from international migration, generally do not send the most

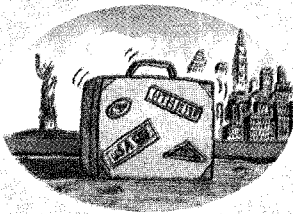
migrants. If emigration were caused by poverty, most immigrants would come from Africa, followed by the Caribbean, Asia and Latin America. Among immigrants to the United States during the 1990s, however, just 3 percent came from Africa whereas 11 percent came from the Caribbean, 30 percent from Asia and 36 percent from Latin America. Likewise, the rate of international migration across countries bears no relation whatsoever to the rate of demographic increase: The correlation is virtually zero.

Among sending countries, emigration does not stem from a lack of development but from development itself. International migration has always been part and parcel of broader processes of economic growth and development. In the course of its industrialization, for example, Europe exported 54 million people. Emigrants are created by social and economic transformations in societies undergoing rapid change as a result of their incorporation into the global market economy. What is remarkable about today's developing nations is not that they produce emigrants but that

its political economy and entered the global market. Moreover, since 1994 it has been linked to the United States by NAFTA, a comprehensive economic treaty that presently generates \$250 billion per year in binational trade.

Under these circumstances, immigration between the two countries is inevitable, even though Mexico is wealthy by Third World standards. With a per capita gross domestic product of \$9,000, it is one of the richest countries in Latin America. It is in the interest of the United States, therefore, to build on this economic base by accepting Mexican immigration as a reality and working to manage it in a way that minimizes the costs and maximizes the benefits for both nations.

The repressive border controls imposed by the United States since 1986 have done precisely the opposite, however. Studies have found no discernable effect of restrictive immigration policies on the inflow of Mexican immigrants, documented or undocumented. Indeed, during the 1990s, a record 2.2 million Mexican immigrants entered the coun-



they produce so few. Whereas Britain ended up exporting half of its population increase in the course of its development, South Korea exported less than 5 percent of its demographic increase. At present, fewer than 3 percent of the world's people live outside their countries of birth.

Nor are those who do leave their countries of origin in search of work overseas the poorest of citizens. Indeed, labor emigrants tend to be drawn from the middle of a country's socioeconomic distribution, not the bottom. When they go, moreover, migrants typically do not go to nations that are richest or closest. Rather, they proceed along established pathways to countries that are already connected politically, socially and economically to their countries of origin. The main sources of immigrants for the United States are thus its closest trading partners (Mexico, Canada, China), former colonies (the Philippines, Puerto Rico), and regions where the United States has recently intervened militarily or politically (Central America, the Caribbean, Southeast Asia).

THAT MEXICO IS BY FAR THE LARGEST SOURCE OF U.S. immigrants is hardly surprising. In addition to sharing a land border with the United States, it was twice invaded by U.S. troops in the 20th century (in 1914 and 1917), it has been the target of two U.S.-sponsored labor recruitment efforts (during 1917-18 and 1942-64), and since 1986, at U.S. insistence, it has undertaken a radical transformation of

try legally, constituting a quarter of all documented immigration. At the same time, the probability of apprehension for undocumented migrants fell to record-low levels, raising the odds of their ultimately gaining access. By the mid-1990s, the probability of apprehension had fallen to as low as 20 percent per attempt. The selective concentration of enforcement resources at specific locations along the border redirected migratory flows toward other sectors where fewer Border Patrol officers were stationed. Perversely, more people actually got in.

By redirecting migrants toward more remote and inhospitable sectors, the selective hardening of the border tripled the rate of border mortality, causing hundreds of needless deaths each year. Moreover, as a result of the increased risks of entering the United States, Mexican migrants rationally chose to minimize border crossings, not by remaining home but by staying longer once they got in. Paradoxically, the principal effect of border militarization has been to reduce the odds of going home, not of coming in the first place.

As the size of the return flow plummeted during the 1990s, it produced a spectacular and unprecedented increase in the Mexican population of the United States. The wall of enforcement resources erected after 1993 was especially high in San Diego, which deflected migrants away from California and toward other regions of the country. Whereas 63 percent of all Mexicans who arrived between 1985 and 1990 went to

California, just 35 percent of those arriving between 1995 and 2000 did so, creating an explosion of Mexican populations in a host of new receiving states.

In addition to increasing the size of the Mexican population and spreading it throughout the United States, U.S. policies have marginalized immigrants socially and economically. The criminalization of undocumented hiring in 1986 caused employers to shift from direct employment to labor subcontracting. In the wake of this legislation, everyone who wished to work in certain sectors of the labor market—agriculture, gardening, construction, custodial services—had to go through a subcontractor. It didn't matter if they were legal residents or citizens. The subcontractor, of course, took a cut of their wages as payment, money that before 1986 would have gone to the immigrants themselves. The net effect was to reduce the wages and undermine the working conditions not of undocumented migrants but of U.S. workers.

Other laws passed in 1996 stripped legal immigrants of the right to certain social entitlements, causing a stampede toward naturalization. More naturalizations mean more immigrants at a later date, because a U.S. citizen can sponsor the entry of spouses, unmarried sons and daughters, and parents without restriction. In addition, citizens may petition for the entry of adult sons and daughters, as well as for brothers and sisters, subject to numerical limitation. Each new citizen thus creates a host of legal entitlements for additional immigration.

At the same time, a large fraction of new immigrants are undocumented and marginalized from the rest of American society; even those with legal papers find their access to social benefits constrained unless they are citizens. If U.S. authorities had set out to intentionally design a program to create a future underclass, they could not have done a better job.

THE FUNDAMENTAL PROBLEM WITH U.S. IMMIGRATION policy toward Mexico—and with U.S. immigration policy generally—is that it treats international migration as a pathological condition to be repressed through unilateral actions. In reality, immigration is the natural outgrowth of broader processes of market expansion and economic integration that can be managed for the mutual advantage of trading partners. By migrating in response to structural adjustments at home, migrants generally do not intend to remain abroad for the rest of their lives. Some do, of course, and others change their mind as a result of their experience in the host society. But left to their own devices, most would return home, for they are migrating not to maximize income but to overcome economic problems at home. They use international migration instrumentally as a way of overcoming the missing and failed markets that are quite common in the course of economic development. The money they earn abroad is repatriated in the form of savings and remittances, which total around \$60 billion worldwide. Repressive border policies make it more difficult for migrants to achieve their ambition of returning home.

Rather than accepting immigration as a logical consequence of America's hegemonic position at the core of a global market economy, U.S. political leaders have enacted repressive unilateral policies to create the impression that immigration is not occurring, that U.S. borders are "under control" and that U.S. citizens are protected from the presumed ill effects of immigrants. In fact, such policies achieve the opposite: Immigration continues, but in a way that undermines the status and welfare of U.S. residents.

BEFORE SEPTEMBER 11, PRESIDENTS GEORGE W. BUSH and Vicente Fox appeared to be moving toward an agreement to manage Mexican labor migration by expanding the quota for legal immigrants, creating a reasonable temporary-worker program, facilitating the return of migrants and the investment of their dollars, and regularizing the status of undocumented Mexicans in the United States. Unfortunately, the 9-11 hijackers derailed this negotiation and President Fox was left standing at the border looking northward with his hand extended as President Bush turned his back to launch the war on terrorism.

In the end, the Bush administration must learn that national security involves more than toppling ruthless dictators in distant lands. It also requires attending to the political stability and economic security of a country of 100 million people with whom we share a 2,000 mile border. The administration's inattention to migration in the context of North American integration has undermined the stature and standing of Mexico's first democratically elected president in 70 years. And every day that passes without a labor agreement makes it more difficult for Mexico to realize its full potential for economic growth.

The answer is not open borders, of course, but frontiers that are reasonably regulated on a binational basis. At present, all countries have the same quota of 20,000 legal immigrants per year, no matter their size or relationship to the United States. Thus, our largest and closest neighbor and most important trading partner has the same limited access to U.S. visas as Botswana, Nepal and Paraguay. A more realistic policy would recognize Mexico's unique status by increasing the annual immigrant quota, establishing a flexible temporary labor program and regularizing the status of those already here.

By bringing the flows above board, we would mitigate the downward pressures on wages and working conditions in the United States while raising tax revenues that could be used to offset the costs of immigration and to assist Mexico in overcoming the market failures that motivate so many moves north of the border. If we cannot manage migratory exchanges with Mexico as it joins with us to create an integrated North American market, how can we possibly hope to manage the migratory flows that will be coming from China as it is transformed by participating in the global market economy? ■

DOUGLAS S. MASSEY is the Dorothy Swaine Thomas Professor of Sociology and chair of the sociology department at the University of Pennsylvania.

Victims in the Heartland

How immigration policy affects us all

BY JOSEPH ROSENBLOOM

Shelbyville, Tenn., is an archetypal American working-class community of 16,000 people. Located 53 miles south of Nashville, it has one high school, one movie theater, six pawnbrokers and no parking meters. Its greatest claim to fame is the

Tennessee Walking Horse, a smooth-gaited breed developed and tirelessly promoted locally. But far more visible are the 18-wheel tractor-trailers—each loaded with roughly 5,000 chickens in open metal crates—that rumble through town day and night. They're headed for the cavernous Tyson Foods plant on Shelbyville's west side, next to the Duck River. Tyson Foods Inc., based in Springdale, Ark., is the world's largest processor of chicken, beef and pork, with sales last year of \$23.4 billion. With 1,100 employees at its Shelbyville plant, Tyson is also that city's largest employer.

In the mid-1990s, two Shelbyville police officers, Bill Logue and Don Barber, were puzzled by a series of curious incidents. An uncanny number of Hispanic motorists that they stopped for routine traffic violations were presenting obviously bogus driver's licenses or other fake IDs. The officers also were seeing a rash of freshly crumpled cars abandoned on Shelbyville streets. "There were a lot of car crashes with the driver leaving the scene, and there was no insurance on the vehicles," Logue told me when I visited Shelbyville recently.

Logue and Barber's inquiry into the false-ID cases pointed to Amador Anchondo-Rascon, a local Mexican American grocer and former Tyson employee, as a provider of illegal workers to Tyson. To widen the investigation, Logue and Barber sought help from the U.S. Immigration and Naturalization Service.

When INS undercover agents posing as transporters of illegal aliens approached Anchondo-Rascon, he immediately enlisted them to work with him in supplying undocumented workers to Tyson. Anchondo-Rascon, who later pleaded guilty to various immigration-related offenses and served two years in prison, worked closely with the "transporters" for two-and-a-half years. Operation Everest, as the INS called the sting, resulted in the discovery of 154 illegal aliens being employed at five of Tyson's poultry plants in Oklahoma, Virginia, Arkansas, North Carolina and Tennessee.

The deliveries were at the core of a 36-count federal indictment that prosecutors obtained against Tyson in December 2001. The company was charged in U.S. District

Court in Chattanooga with having, among other things, engaged in an elaborate seven-year scheme to recruit hundreds, if not thousands, of illegal immigrants from Mexico and Guatemala for its poultry plants in at least 12 states. Six of Tyson's mid-level executives or plant managers were also indicted. But in the end, even though Tyson was benefiting from illegal workers laboring in its plants, the executives avoided conviction.

It was the most ambitious criminal immigration case ever against an employer. Prosecutors demanded \$100 million as a forfeiture penalty that they said represented the company's ill-gotten gains. The transcript for the six-and-a-half-week trial ran 5,464 pages. On March 26, the jury rendered its verdict: not guilty on all counts.

The sting had caught several Tyson managers or their assistants on audiotape and videotape plotting to recruit and hire illegal aliens for several plants, including the one at Shelbyville. Seven Tyson employees, whom the company eventually fired, had quietly pleaded guilty to immigration-related offenses.

During the late 1990s, Tyson employed 67,000 workers at 55 poultry plants. Court testimony established that a number of those workers were illegal, some hired directly and some through temp agencies. That was scarcely blockbuster news; many industries pay low wages for hard, dirty work and are staffed by illegal aliens.

It was more noteworthy that some managers at a company of Tyson's size and standing actively recruited large numbers of illegal immigrants. The case also underscored the frailties of an immigration-control system in which top executives can satisfy the law even if their company's ranks are rife with illegal workers.

Most important, the Tyson case offered a window on the real victims of a hypocritical system: illegal workers, whose precarious status makes them peculiarly subject to exploitation; legal workers, whose wages are depressed and whose unions are undermined by the influx of illegal immigrants into the workplace; and low-level managers, who are vulnerable to prosecution when they play by the system's de facto rules.

The first trickle of Hispanic workers to Tyson's

Shelbyville plant dates from the late 1980s. Just a decade later, according to court testimony, 600 to 700 Hispanics made up nearly 75 percent of the plant's workers.

One of the early arrivals was Anchondo-Rascon, who is 44 and a legal U.S. resident by virtue of having married an American citizen from whom he is now divorced. After crossing the Mexican border illegally in 1979, he wound up in Florida before moving to Tennessee in 1986. He worked first as a laborer at a plant nursery; three years later, he became a "skin puller" on the night shift at Tyson's Shelbyville plant.

By the mid-1990s, witnesses testified, Anchondo-Rascon was operating what amounted to his own underground railroad, recruiting and transporting illegal immigrants from Mexico to Shelbyville. He would take paid leaves of absence for up to two weeks at a time and return with 12 to 15 workers—whom the plant would hire even though many of them carried patently bogus documents attesting to their legal status.

Anchondo-Rascon may not have been the only employee recruiting illegal aliens. During the late 1990s, buses occasionally transported as many as 200 Hispanics from Texas to a plant in Sedalia, Mo., according to Kelly Englert, a former nurse at the facility. Some of the IDs that the Hispanics

not take into account the illegal workers who worked in the Shelbyville plant but left before the mass terminations.

Tyson's policy stipulates that its employees must abide by all immigration laws. The company formalized the policy in 1999, proclaiming "zero tolerance" for immigration-law violations. It also volunteered to take part in an INS program that verifies the authenticity of Social Security cards and matches them to other IDs presented by job applicants.

The Immigration Reform and Control Act, which Congress passed in 1986, makes it a crime for an employer to knowingly hire an illegal alien. The law protects employers from prosecution as long as their employees can show matching Social Security cards, driver's licenses or other IDs. Widely considered unenforceable, the law has had the perverse effect of fueling the black market in counterfeit documents.

Tyson was indicted not for employing illegal aliens but for such acts as allegedly conspiring to transport them within the United States and providing them with counterfeit documents. The company's defense was clear-cut: Managers who broke the law "decided by themselves" to do so "without the knowledge or encouragement of senior management," defense attorney Thomas C. Green proclaimed at trial.

Had Tyson intended to ensure that its workers were legal, the company could have policed its plants without violating the laws that protect employees' civil liberties.

presented seemed of questionable validity to Englert, she testified. Testifying on Tyson's behalf, Ahrazue Wilt, the plant's manager, conceded that buses brought as many as 35 workers at a time from Texas to Sedalia, but she said the Texas Workforce Commission had screened the workers first, and she denied that they were illegal.

A Tyson plant in Union City, Tenn., sought workers in Mexico through a classified ad in *El Diario*, a newspaper published in Juarez across the border from El Paso. The Spanish-language ad, which ran on Feb. 13, 1999, promised \$15,000 to \$18,000 a year for work on a poultry production line. The ad was placed by InStaff Personnel, an employment agency based in Dallas that recruited about 500 workers in Texas and Mexico for the Union City plant, according to Keith Phillips, a former InStaff managing partner. "We would not have recruited any Mexican nationals, because we were checking to be certain that [applicants] were legal to work in the United States," Phillips said.

JUST HOW MANY OF THE PLANT'S WORKERS WERE illegal is hard to pin down. One indication was the mass firings that occurred when the company learned it was the subject of the INS undercover operation. Almost 300 Hispanic workers were sacked in one fell swoop in 2000, according to Randy Hadley, an official in the Birmingham, Ala., regional office of the Retail, Wholesale Department Store Union, whose Local 990 represents Tyson workers at Shelbyville.

A law-enforcement official involved in the Tyson prosecution termed Hadley's estimate "conservative," as it does

While the verdict exculpated the company of illegal-alien recruiting and related crimes, it is hard to imagine that Tyson's top executives were not aware that their work force abounded with illegal immigrants. John Tyson and other executives who visited Shelbyville in the mid- and late 1990s were fixated on the question of illegal immigration, according to Jimmy Rowland, a former personnel manager at the plant. It was a period when Hispanic immigrants were flocking to the nation's meatpacking and poultry-processing plants amid persistent reports that many of the newcomers were illegal. Indeed, Tyson officials collected a trove of articles at corporate headquarters in Arkansas on the subject of immigration, indicating that they had an "uncommon interest in immigration matters," prosecutor John P. MacCoon stated.

Had Tyson intended to ensure that its workers were legal, the company could have policed its plants without violating the laws that protect employees' civil liberties. For example, its employee files at Shelbyville contained 90 copies of a single California ID tendered as proof of legal status from 90 workers, MacCoon said. Any Tyson auditor who checked the files might have asked if all 90 employees could have been legal.

LOCAL 990'S PRESIDENT, CALVIN EWING, 49, IS A soft-spoken man with a close-cropped gray beard. A data processor, he has worked at Tyson for 21 years—a stint notable for its longevity. Company statistics put the turnover at Shelbyville and at all Tyson's poultry plants at 100 percent a year.

Although automation has exempted human hands from some of the worst tasks—machines can kill chickens, scald and eviscerate them, and lop off limbs—much of the work is still difficult and dangerous, thus accounting for the high turnover rate. Some workers grapple with live, scratching, defecating chickens, loading them on hooks at the start of the production line. Others pare flesh and bone with scissors and knives. “You’re standing in water, and you’re standing in these high-speed lines, and maybe you’re cutting all day without stopping,” Ewing said.

The instability of the work force has long complicated Local 990’s attempts to recruit members, a problem only aggravated by the influx of illegal immigrants into the Shelbyville plant during the 1990s. “To me it’s kind of like union busting,” Ewing said.

Like Shelbyville, 16 of Tyson’s 53 poultry-processing plants are union shops. At trial, MacCoon accused Tyson of having employed “cheap illegal labor to keep cost down” at both its union and nonunion shops, resulting in a \$100 million boon for Tyson.

Local 990 succeeded in negotiating wage increases averaging only about 2 percent per year during the 1990s—barely enough to cover inflation. In 1999, Tyson’s starting hourly wage stood at \$7.16 for 38 hours, or \$207.66 per week in take-home pay. In the fall of 2000, Tyson abruptly raised its starting wage by \$1 an hour at Shelbyville and four other plants, where it replaced numerous temps with permanent workers.

A union’s negotiating leverage depends on the size of its membership, particularly in a right-to-work state such as Tennessee, where union membership is optional even in a union shop. Local 990’s clout waned during the 1990s, when membership plummeted from about 400 to fewer than 100, as the plant’s work force became predominantly Hispanic. Indeed, union efforts to organize Hispanics at Tyson’s poultry plants have met with little success. Illegal aliens, vulnerable to arrest and hobbled by language and cultural barriers, “think the union here is like the policemen and, if they do something wrong, we’ll get rid of them,” Ewing explained. Hispanics now make up only about 10 percent of the work force, and no more than a half-dozen belong to the union. Since the mass sacking of Hispanics three years ago, Local 990’s membership has recovered somewhat to about 300.

JIMMY ROWLAND, 6-FOOT-2 AND HAZEL-EYED, WAS, BY all accounts, an unassuming, personable, church-going family man. “He didn’t smoke, drink, cuss—nothing,” his widow, Carolyn, said.

Jimmy lived 12 miles outside Shelbyville with Carolyn and their two sons in a white, one-story farmhouse in the hamlet of Flat Creek. Jimmy’s first job after high school

was working as a nursing-home orderly. In 1990 he signed on as a nurse at the Tyson plant in Shelbyville and rose through the ranks to become personnel manager.

That was the position he held in December 2001, when he was indicted along with his company for alleged immigration-law violations. Rowland told prosecutors that he regarded himself an “innocent victim” of Tyson. Although he did not live long enough to testify at the Tyson trial, he agreed to cooperate with prosecutors. A letter he wrote to his lawyer while preparing for the trial referred to conversations among top Tyson executives—including former CEO Leland Tollett and current CEO John Tyson—that Rowland said he overheard during their visits to the Shelbyville plant between 1995 and 1998.

Rowland was careful to write that he did not hear any of Tyson’s top executives say they had done anything ille-



Salad days: The way it was in 2001 for Amador Anchondon-Rascon

gal. He did write, however, that “a great deal of the conversations dealt with the government’s realization that there were not enough people to fill the low-skilled jobs in America.” Tyson’s top executives, according to Rowland, interpreted the nation’s lax enforcement of immigration laws as signaling the “government’s desire to ignore and encourage” the employment of illegal workers.

Being named a criminal defendant threw Rowland into a tailspin, and it didn’t help when Tyson fired him. He couldn’t sleep. He lost 30 pounds. “He said, ‘We’re all just going to be scapegoats,’” Carolyn recalled. “I think he worried about his reputation being smudged ... he had never had anything blacken his name.”

In April 2002, Jimmy Rowland drove his dark blue Chevy pickup to a wooded pasture near his house, pressed the barrel of his 30.06 rifle against his chest and pulled the trigger. He was 36 years old. ■

JOSEPH ROSENBLOOM is a Prospect contributing writer. His work on this story was supported by a grant from The Fund for Investigative Journalism.

The Indispensable Advocate

With big-city machines gone, unions are the primary champions of America's new immigrants.

BY HAROLD MEYERSON

Varsha Patel works in the stockroom at the Cintas industrial laundry plant in Piscataway, N.J., sorting dirty uniforms as they come in for cleaning. For eight hours she remains standing as she separates the damaged cloths from the merely dirty;

at the end of the day, she says, "My hands, feet and legs are sore." For this she is paid a princely \$7.94 an hour.

Varsha Patel (not her real name) has worked for Cintas, America's largest uniform rental company, since 1997, and it has not been the happiest of associations. Six months ago, her co-workers who hang clothing on racks positioned well above their heads had to hang 1,700 uniforms a day. Now they have to hang 2,000. And if she or her fellow workers take more than six sick days in a year, they'll be summarily fired.

The work force at Piscataway isn't notably young; most of the plant's 145 production workers are women in their 30s, 40s and 50s, almost all of whom make between \$6.50 and \$9 an hour. Many, like Varsha Patel, are immigrants from the Indian state of Gujarat (virtually all Gujaratis have the surname Patel); the other workers come from Punjab (another Indian state) and Vietnam, with a smattering of Latinos, Pakistanis and African Americans.

Earlier this year, the Union of Needletrades, Industrial and Textile Employees (UNITE) sent Seema Patel, a daughter of Gujarati immigrants who'd recently graduated from the University of California, Berkeley, to Piscataway as one of four staffers organizing the plant's workers. Cintas, which last year had revenues of \$2.3 billion, employs 17,000 workers in its far-flung laundries, few of whom make more than the \$9 hourly ceiling at Piscataway. Eighty percent of those workers are immigrants, says Jen Roitman, whom UNITE has assigned to head up the 150 organizers it plans to put on its nationwide campaign to unionize the company.

Seema Patel grew up in the largely white, upper-middle-class community of Mission Viejo in California's Orange County, so when she started making house calls on the Piscataway plant's workers in nearby Edison, N.J.—home to the nation's largest Gujarati community—she quickly discovered she'd entered a very different culture. Like most first-generation immigrant communities throughout American history, the Gujaratis of Edison have neither fully assimilated nor flourished. The overwhelming majority of workers Seema Patel says she spoke with "would actually like to go back to Gujarat, but they stay here for their children."

The dawning of pro-union sentiment among the Piscataway workers was slow to come. Cintas told its new hires that it was a nonunion company, which many immigrant workers initially took to mean that the firm had some kind of legal status that forbade its employees from unionizing. UNITE has dispelled that misconception in the Gujarati community through a multipronged organizing campaign, calling on workers at their homes, holding meetings in Edison's Hindu church, getting stories in the local Gujarati press and on TVAsia, enlisting local elected officials of Indian extraction to come on house calls with their organizers and bringing down Gujarati UNITE members from a unionized Liz Claiborne plant elsewhere in Jersey.

These are all modern-day versions of tactics that unions used with immigrant workers during the last great wave of immigration, in the late 19th and early 20th centuries. On New York's Lower East Side, for instance, the Yiddish-language daily *Forward* would explain unionism and its benefits to Jewish immigrants, and Jewish elected officials would take prominent roles in support of strikes and organizing drives. The garment unions based in New York and then the great CIO unions—the United Auto Workers, the United Steelworkers of America and others—sunk their roots into southern and eastern European communities all across the land.

But by the 1980s, when Gujaratis began coming to New Jersey and when a flood of immigrants from Latin America and Asia began to transform America and its workplaces, the union movement was triply unprepared. It had long since ceased to organize immigrants (or anyone at all, for that matter) and had few if any roots in the new communities; what's more, it favored a range of policies that could only be described as anti-immigrant.

TODAY UNIONS HAVE BECOME THE MOST POLITICALLY powerful champions that immigrants can claim. Among the few unions successful at organizing in the private sector—notably UNITE, the Hotel Employees and Restaurant Employees International Union (HERE) and the Service Employees International Union (SEIU)—the laundry

workers, hotel housekeepers and waiters, and janitors that these unions respectively represent are predominantly immigrants.

Not surprisingly, it was leaders from these unions (most notably HERE President John Wilhelm and SEIU Executive Vice President Eliseo Medina) who led the fight to reverse the AFL-CIO's policy on immigration. For years the federation had supported employer sanctions—a policy in which the Immigration and Naturalization Service would raid a workplace, detain and deport the undocumented immigrants working there, and levy a small fine on the employer.

But with the great immigration wave of the 1980s and '90s transforming entire industries, employer sanctions became management's tool for union busting. Unions would try to organize a workplace only to see the employer call in the INS to deport key activists. Early in 1999, Wilhelm made the case to his colleagues on the AFL-CIO's executive council that the federation's policy no longer made any sense, and in early 2000, the AFL-CIO reversed its stance completely.

From a policy essentially favoring deportation, labor became the most significant advocate of amnesty for undocumented immigrants. In 2000, a pro-amnesty rally sponsored by the Los Angeles County Federation of Labor drew 20,000 immigrants to that city's Sports Arena. In the early months of George W. Bush's presidency, unions were negotiating with the administration, Congress, business lobbies and the government of Mexico on a megadeal that would have eased immigration restrictions, offered amnesty to undocumented and ensured their rights in the workplace. All such discussions ceased, however, in the aftermath of the September 11 attacks.

IN FACT, UNIONS NOW ARE FAR MORE IMPORTANT—INDISPENSABLE, actually—to this wave of immigrants than their predecessors were to the wave that came to the United States from the 1880s through the 1920s. The Slavs, Poles, Jews, Italians and others who arrived in those decades had two significant champions: some (by no means most) of the unions and, more importantly, the big-city, largely Democratic political machines. Organizations such as New York's Tammany Hall gave immigrants jobs and regularly steered them to the polls (to vote for Tammany's candidates, of course).

But between 1930 and 1960, the machines dwindled and died. In the 1980s, when America's cities began to fill

up with Mexicans, Central and South Americans, Dominicans, Nigerians, Koreans, Filipinos and others, no existing mainstream political organizations saw an interest in taking up their cause; there were only unions. And of all the unions active within immigrant communities (there are still far too few), the SEIU's janitors stand out for raising workers' living standards, just as the Los Angeles AFL-CIO provides the model for turning immigrant workers into a political powerhouse.

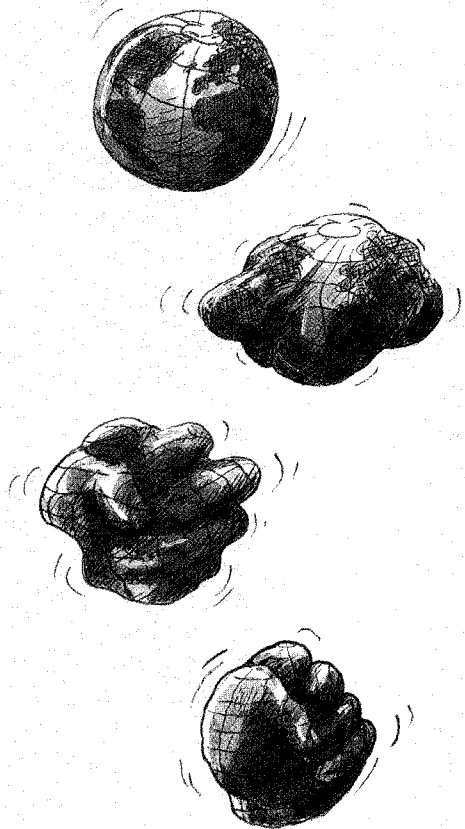
AMONG AMERICA'S UNIONS, IT MAY BE THE SEIU'S JANITORIAL locals where élan is highest. During the mid- and late-1980s in many cities, the union's old locals crumbled as building-maintenance companies replaced their union-

ized workers with new, nonunion immigrants who worked far more cheaply than their predecessors. At a time when few unions were organizing at all, John Sweeney, then the SEIU's president, decided that his union would commit major resources to rebuild its endangered janitorial sector. Thus was born the Justice for Janitors program.

Hiring Spanish-speaking organizers was just the beginning. Winning the support of parish priests and, eventually, cardinals; securing public sympathy through raucous, mediagenic public events that dramatized the David-and-Goliath nature of their contests with management; persuading elected officials to back the workers; harnessing the dedication of enough members so that there could be crews of pickets around hundreds of far-flung office buildings during the nighttime cleaning hours; shaming the mega-rich corporations that own the high-rises in America's downtowns—through

these and many other strategies, the SEIU rebuilt the janitors into a powerful network of locals.

This spring the janitors did something remarkable: With unemployment rising and with the costs of health insurance everywhere being shifted to employees, they won raises and improved family health coverage in one city after another. The pattern was set this winter in Boston, where the local had planned a strike precisely because the union felt it could win a signal victory there. With the accustomed bells and whistles and street theater, the union dramatized the inherently Dickensian nature of the conflict, and to great effect: Polling taken for the union showed that 66 percent of Massachusetts voters supported the janitors while just 9 percent supported management. When the



strike was done, the janitors had won a 30 percent raise over five years, and even more remarkably, part-time janitors (the majority in Boston are part-timers) won employer-paid health insurance for the first time.

"We're restructuring the industry to full-time work," says Steven Lerner, who heads the SEIU's building-services (that is, janitorial) division. Winning more hours for members in some cities, health coverage for part-timers in others, the union is moving an entire work force toward full-time, full-benefit jobs—at the very moment when benefits and workweeks are declining throughout the economy.

Some of the industries in which immigrants cluster, however, all but defy organizing. Still, that doesn't mean that unions can't improve the workers' lives. In Houston, in a right-to-work state with perennially low rates of unionization, the Central Labor Council has tried to organize, if not exactly into unions, the vast day-laborer sector of the construction work force. "You had people from all different countries; they'd separate themselves, they'd line up in different places down the block to be hired first," all of which drove wages steadily downward, recalls Richard Shaw, the council's secretary-treasurer. So Shaw worked with the city government to establish indoor day-labor sites that could serve as hiring halls where workers could amass some bargaining power. It was the beginning of a relationship that put the council at the center of Houston's immigrant community struggles.

WITH THE URBAN DEMOCRATIC MACHINES LONG GONE, unions have become the primary vehicles through which immigrant communities are socialized into American politics. Nowhere has this process gone further or faster than in Los Angeles. Until the mid-'90s, L.A. was a politically moderate city where the union role in politics was negligible. It took Proposition 187 in 1994—the initiative backed by then-Gov. Pete Wilson denying such public services as schools to undocumented immigrants and their children—to shock the immigrant community into political action. Once the campaign ended, however, it became clear that there were no standing institutions to help naturalize and mobilize the community, and that no one knew how to activate the more than 1 million undocumented immigrant Angelenos to concrete political ends.

In 1996, Miguel Contreras, an organizer who'd learned his trade with the United Farm Workers (UFW) and perfected it at the HERE, became the chief executive officer of the L.A. County Federation of Labor and immediately turned his attention to those conundrums. Several months later, after consultation with various SEIU, HERE and UFW officials, he'd figured it out. A state assembly seat had come open in a district that was heavily immigrant, and Gilbert Cedillo, the former head of the county employees' union, was waging an uphill campaign against the Latino establishment's candidate. Maria Elena Durazo, head of Local 11, the HERE's main chapter in Los Angeles, realized that most of her members, noncitizens though they might be, lived within the district. Local 11 began a program explaining to its members the stakes in this elec-

tion, teaching them how to walk a precinct and work a phone bank. The county federation inaugurated a program for getting out the vote of union members, and of the nonunion new voters (both groups mostly immigrant) who lived in the district. The two locals that turned out the most members for the program were Durazo's local and the SEIU's janitorial local—another union composed chiefly of undocumented. When the votes were counted, Cedillo stunned the political community by winning handily.

In the years since, the L.A. County Federation of Labor has won election after election by mobilizing union and immigrant voters. By my count, the federation is the dominant player in nine of the city's 15 council districts and roughly two dozen state legislative districts. It has a sophisticated mail and media program, but what sets its operation apart are its precinct walkers and phoners. "The backbone of the operation is the janitors and HERE," Contreras says. The two locals put in more volunteers than any of the more than 300 locals that belong to the federation.

The payoffs for the locals are clear: Both have received massive political support in their strikes, bargaining and organizing drives. But the payoffs for the larger immigrant community are clear as well. Under pressure from the union movement, the city has enacted and repeatedly expanded the scope of living-wage legislation. The state legislature is poised to enact (and Gov. Gray Davis committed to sign) legislation by now—state Sen. Cedillo that would enable 2 million undocumented immigrants to obtain drivers' licenses and auto insurance.

THIS SEPTEMBER, BUSES WILL EMBARK FROM 10 CITIES in the West, Midwest and South for what its organizers have termed the Immigrant Workers Freedom Rides. Immigrants—some citizens, some not; some documented, some not—will wend their way to Washington, stopping en route at the meatpacking houses of the Plains states and the barrios and city halls of myriad cities. After a lobbying day in Washington—not for specific legislation but for the concept that people who've worked in the United States for years should be given a way to earn legal status—the riders will roll on to a massive public rally in New York City on Oct. 4.

The rides were conceived by the HERE, which is staffing the project (Durazo is in charge). They've been endorsed by the AFL-CIO and numerous unions and civil-rights groups. They've also galvanized the immigrant communities of many cities. Mexican "hometown associations," says the SEIU's Medina, are participating in the planning for the ride—their first plunge into U.S. politics.

The freedom ride, Medina adds, helps "organize the immigrant community to advocate for itself." That is what Seema Patel is doing as she knocks on workers' doors in Edison, and it is what the labor movement needs to do more of if unions are to survive—and if this wave of immigrants are to move up in an economy that doesn't have the ladders it once had. ■

HAROLD MEYERSON is the Prospect's editor at large.

How NAFTA Failed Mexico

Immigration is not a development policy.

BY JEFF FAUX

During the 1993 battle over the North American Free Trade Agreement, the proposal's promoters' most politically effective argument was that NAFTA would keep Mexicans out of the United States. As political writer Elizabeth Drew later

observed, "Anti-immigration was a sub-theme used, usually sotto voce, by the treaty's supporters."

The voce was not always sotto. "We don't want a huge flow of illegal immigrants into the United States from Mexico," said former President Gerald Ford, speaking at one of then-President Bill Clinton's pro-NAFTA rallies. "If you defeat NAFTA, you have to share the responsibility for increased immigration into the United States, where they want jobs that are presently being held by Americans."

Leaving aside the xenophobia, Ford's argument made economic sense: If NAFTA were to create more jobs in Mexico, fewer Mexican workers would leave. When people can earn a decent living in their own country, they would generally rather stay put.

Thus although workers in the poorer European countries can get jobs anywhere in the common market, few have moved across national borders because jobs in their own countries are expanding. Growth in the European Union periphery was largely stimulated by so-called cohesion funds, provided by richer nations for public investment. The program was so successful that, after centuries of exporting people to the rest of the world, Ireland in 1996 became a net importer of migrants.

NAFTA proponents, on the other hand, claimed that merely opening Mexico to free trade and unregulated foreign investment would produce the job growth and rising incomes needed to create a stay-at-home middle class. It was the capstone on an effort begun in the early 1980s by a group of U.S.-educated economists and businesspeople who took over the ruling Partido Revolucionario Institucional (PRI) in order to build a privatized, deregulated and globalized Mexican economy. Among their chief objectives was tearing up the old corporatist social contract in which the benefits of growth were shared with workers, farmers and small-business people through an elaborate set of institutions connected to the PRI.

NAFTA provided no social contract. It offered neither aid for Mexico nor labor, health or environmental standards. The agreement protected corporate investors; everyone else was on his or her own. Indeed, NAFTA is the

nation-building template imposed on developing countries by recent corporate-dominated U.S. administrations and their client international finance agencies. It is the model for the proposed Free Trade Agreement of the Americas, as well as for the Bush administration's development plans for Iraq.

Americans' understanding of NAFTA's impact on the Mexican people is obscured in part by the gap between what Mexican elites tell U.S. elites and what Mexicans tell one another. Last December former Mexican President Carlos Salinas, who negotiated NAFTA, told a Washington conference of applauding corporate lobbyists, government officials and free-market think tankers that NAFTA was a great success. "The level of trade and type of products that cross the borders," he said, "silenced even the most ardent critics."

The next day, in Mexico City, a large group of very ardent Mexican farmers broke down the door of the lower house of the Mexican Congress to denounce NAFTA and demand that it be renegotiated. Similar demonstrations—joined by teachers, utility workers and others—have erupted throughout the country, closing bridges and highways and taking over government offices. Polls show that most Mexicans think NAFTA was bad for Mexico. Largely because of the agreement, Salinas is the most unpopular ex-president in modern Mexican history.

NAFTA's critics did not doubt that it would stimulate more trade; that was, after all, its function. Rather, they predicted that any benefits would go largely to the rich while the middle class and the poor would pay the costs, and that the promised growth would not materialize. They were right. NAFTA is not the cause of all Mexico's economic troubles, but it has clearly made them worse. Since NAFTA's inception in 1994—indeed, for the 20 years of neoliberal "reform"—the Mexican middle class has shrunk and the number of poor has expanded. Economic growth has been below the old corporatist economy's performance and substantially less than what is needed to generate jobs for Mexico's growing labor force. During his 2000 campaign, Mexican President Vicente Fox promised that under his six-year term the country would grow 7 percent

per year. Two and a half years after his inauguration, growth has averaged less than 1 percent.

So the northward migration continues. Between the U.S. censuses of 1990 and 2000, the number of Mexican-born residents in the United States increased by more than 80 percent. Border-crossings diminished temporarily after September 11, but they are now as great as ever. Some half-million Mexicans come to the United States every year; roughly 60 percent of them are undocumented. The massive investments in both border guards and detection equipment have not diminished the migrant flow; they have just made it more dangerous. In the past five years, more than 1,600 Mexican migrants have died on the journey to the north, including 19 people who were found asphyxiated in a truck near Houston in May. Still, as a neighbor of one of the 19 who left told *The Washington Post*, "If you're going to improve your life, you have to go to the United States."

The failure of NAFTA to deliver on its promise of a better life for Mexicans represents more than just a misplaced faith in free trade. Behind the *laissez-faire* rhetoric, Mexico's neoliberals were pursuing a large-scale program of government social engineering aimed at forcing Mexico's rural population off the land and into the cities, where it could provide cheap labor for the foreign investment that the new open economy would attract.

mestic firms in domestic markets. But—in the depressingly familiar pattern of privatization the world over—the PRI reformers sold off the banks to friends, then bailed out the new owners when the peso collapsed a year after NAFTA was passed. Made whole with more than \$60 billion of the taxpayers' money, these crony capitalists resold their banks at a handsome markup to foreign investors. For example, an investment group headed by the well-connected Roberto Hernandez bought Mexico's second-largest commercial bank for \$3.2 billion and sold it to CitiGroup for \$12.5 billion. Yet, as 85 percent of the country's banking system was being turned over to foreigners, lending to Mexican business actually *dropped* from 10 percent of the country's gross domestic product in 1994 to 0.3 percent in 2000. The global bankers were more interested in taking deposits and making high-interest-rate consumer loans than in developing Mexico's internal economy.

Meanwhile, booming investment in the exporting sweatshops of the north has created a social and ecological nightmare. Rural migrants have overwhelmed the already inadequate housing, health and public-safety infrastructures, spreading shantytowns, pollution and crime. Maquiladora managers often hire large numbers of women, whom they believe are more docile and more dexterous than men at assembly work. Earnings are typically about

NAFTA's critics predicted that any benefits would go largely to the rich while the middle class and poor would pay the costs. They were right.

Salinas and the PRI reformers did not, of course, announce that they intended to depopulate rural Mexico. The Mexican government promised that as tariffs on U.S. agriculture products fell, generous financial and technical assistance would enable small farms to increase their productivity in order to meet the new competition. But, after the treaty was signed, the reformers pulled the rug out from under the rural peasantry. Funding for farm programs dropped from \$2 billion in 1994 to \$500 million by 2000.

Meanwhile, the U.S. Congress massively increased subsidies for corn, wheat, livestock, dairy products and other farm products exported to Mexico. American farmers now receive 7.5 to 12 times more in government help than Mexican farmers do. This "comparative advantage" enabled U.S. agribusiness to blow thousands of Mexican farmers out of their own markets.

But when the displaced *campesinos* arrived in nearby cities, few jobs were waiting. NAFTA concentrated growth along Mexico's northern border, where factories—called maquiladoras—processed and assembled goods for the then-booming U.S. consumer market. Between 1994 and 2000, maquiladora employment doubled while employment in the rest of the country stagnated.

Neoliberalism was supposed to reduce the income gap between Mexico's relatively rich border states and the poorer ones in the country's middle and south. Supporters claimed that privatizing banks and opening them to foreign ownership would make more capital available for do-

\$55 a week for 45 hours—poverty wages in an area where acute shortages of basic services have raised the cost of living. Families break up as men cross the border in search of jobs, leaving women vulnerable to the social chaos.

An Amnesty International report on the border town of Ciudad Juárez, where hundreds of young women have been killed, quotes the director of the city's only rape crisis center (annual budget: \$4,500): "This city has become a place to murder and dump women. [Authorities] are not interested in solving these cases because these women are young and poor and dispensable."

As the U.S. economy slowed down after 2000, the number of jobs in the maquiladoras stopped growing. Moreover, the privileged access that Mexicans thought NAFTA had given them began to erode. The same global corporate coalition that forced NAFTA through Congress later successfully lobbied for the United States to sponsor China's full entry into the World Trade Organization (WTO), paving the way for a huge increase in Chinese exports to the United States. In the last two years, an estimated 200,000 maquiladora jobs have left Mexico for China, where workers can be had for one-eighth the Mexican wage. In a deregulated world, there is always someone who will work for less.

Hope that NAFTA would enable Mexico to export its way to prosperity has largely vanished. In order to relieve the pressures of unemployment, Fox has been badgering George W. Bush to liberalize migration, create guest-worker programs, and provide Mexican migrants with civil rights

and social benefits. The Mexican president regularly refers to migrants in the United States as “heroes,” and their remittances have become one of the country’s most important sources of foreign earnings.

The White House has been unresponsive. After Fox—facing a July election with 80 percent of Mexicans opposed to the invasion of Iraq—declined to join Bush’s war coalition, Washington is even less interested.

In time White House pique will fade. But, in any event, Mexico cannot develop by sending its most ambitious and industrious workers to the United States. It is not the poorest and least educated that migrate; it is the working-class risk takers—those who save up the \$2,000 to pay a smuggler to take them across the river and who, once in the United States, sacrifice to send home their exploitation wages. Mexico needs these people. It paid for the cost of their upbringing and education, in effect subsidizing U.S. consumers of low-wage work.

The Mexican government, aided by some U.S. foundations and nongovernmental organizations, is attempting to channel migrant remittances into quasi-governmental credit unions that would provide capital to businesses and local governments. This may be useful. But migrants send money home for immediate consumption to maintain the living standards of parents, grandparents and children in a depressed domestic economy. It is an odd notion of economic development that rests on the meager savings of low-wage Mexican workers in America while wealthy Mexicans regularly ship *their* capital to New York, London and Zurich.

In fact, for Mexico’s oligarchs, the public focus on the condition of Mexican workers in the United States has the great virtue of diverting political attention from the condition of Mexican workers in Mexico. Fox has been eloquent on the maltreatment of undocumented migrants at U.S. farms and factories. Rightly so. But he has been silent about the harsh and brutal conditions suffered by Mexico’s own domestic migrants, including those as young as 11 years old who were found—after Fox’s election—to be working in his own vegetable packing plant.

As in many developing countries, the largest part of Mexico’s economic problem lies not in restricted export markets but in the stifling maldistribution of wealth and power that restricts internal growth. The gap between

Mexico’s rich and poor is among the worst in the Western Hemisphere. The rich hardly pay any taxes. Despite the image of Mexico as a country with a strong state, the public revenue is 19 percent of GDP, compared with the 30 percent that the presumably more conservative American public sector takes. Mexico—even more than did the poorest nations of Western Europe—needs substantial investment in education, health and infrastructure to create sufficient jobs for its people. A contribution to that investment by the United States and Canada equivalent to the EU’s cohesion funds would approach \$100 billion. The only imaginable scenario for anything near that level would require, among other things, a dramatic democratic reform of Mexico’s corrupt and inefficient public sector.

Ironically, hopes for such a future lie in the political fallout from NAFTA’s lack of success. By 2000, Mexican voters were so disgusted with the failed promises of PRI neoliberals that they ousted the party after 71 years of continuous rule. Whatever else Fox may accomplish, his breaking of the PRI’s political stranglehold has reverberated throughout Mexico’s political economy. Not only are elections contested at all levels, the major institutions of the old corporatist system—the client labor unions, rural organizations and small-business groups—are being slowly democratized by a younger generation of leaders demanding accountability.

It is too early to tell if or when these forces will produce a more effective and broadly shared growth agenda for Mexico. But one lesson is already clear: Of all the world’s developing countries, Mexico

was by far in the best position to exploit the neoliberal model. Its proximity to the U.S. market and a domestic U.S. constituency of millions of Mexican American voters gave Mexico advantages under NAFTA that no other Third World nation had. The testimony of hundreds of thousands of Mexican workers each year making the hard and dangerous trip north is evidence that, after two decades, the model is not working in Mexico. If it is not working there, it is unlikely to work anywhere. ■

JEFF FAUX, the founding president and now the distinguished fellow at the Economic Policy Institute, is writing a book on the future of the North American political economy.



A Shameful Harvest

Immigrant farmworkers are one step away—and sometimes less—from slavery.

BY JOHN BOWE

The vast majority of America's farm laborers are immigrants, many of them undocumented. Farm work is notoriously dangerous, arduous and toxic; the average U.S. farmworker has a life expectancy of just 49 years. Farm laborers are generally

paid piecework rates. Their average earnings are \$7,500 a year, or \$150 a week, by far the lowest wage of any occupation. Most farm laborers are denied overtime pay, medical insurance, sick leave or the right to organize. In many states they're excluded from workers' compensation and unemployment benefits. Of the more than 1 million farmworkers in this country, only about 27,000 are unionized.

Growers insist that they need a plentiful supply of immigrants because Americans aren't interested in hard work. A more accurate statement is that few Americans will perform hard work for \$150 a week. A vicious cycle emerges: Growers rely on economically desperate immigrants, who are forced to accept meager wages, and workers in marginal situations are unable to organize and force the industry to normalize its relations with workers.

The historical rationale has always been that farming is too unprofitable to pay decent wages. In other words, farmworker abuse is somehow simply intrinsic to the business. One wonders why agribusiness bothered to invest in such an unsuccessful industry, and how agribusiness giants such as ConAgra, Cargill and Archer Daniels Midland have come to prosper. The food industry is currently America's second-most profitable (after pharmaceuticals). Agriculture also runs a large export surplus, yet labor conditions remain dismal as ever. Why? Because since the end of chattel slavery, agriculture has successfully promoted an aura of exceptionalism and has persuaded government to ignore or collude in its mistreatment of workers.

The 1935 Wagner Act, allowing workers to organize unions without interference from employers, and the 1938 Fair Labor Standards Act both excluded farmworkers. By the time the minimum-wage law was finally extended to agricultural workers in 1966, growers had already developed byzantine piecework schemes to evade its intent.

The U.S. Department of Justice is now investigating 120 slavery cases, most involving migrant workers and women forced into prostitution. In southwest Florida alone, five slavery cases have been prosecuted since 1997. Four years ago a Mexican labor contractor was caught holding at least 27 illegal Mexican aliens against their will.

Federal agents were alerted by farmworkers who had fled the run-down trailers where they were held until their debts to smugglers were paid.

In 1997, Miguel Flores of LaBelle, Fla., and his assistant, Sebastian Gomez of Immokalee, were arrested on charges of involuntary servitude. Flores, a labor contractor, controlled thousands of workers in labor camps between Florida and South Carolina, charging his laborers exorbitant prices for food and housing and thus ensuring their continued indebtedness. Workers were forced to work six days a week, netting only \$12 to \$15 a day. Women camp residents were occasionally raped by crew bosses. Flores warned his workers that if they complained, he would cut their tongues out.

Flores and Gomez were eventually caught, but what's impressive is that they were allowed to operate in the first place. Flores had an arrest record in Florida and South Carolina. The *Caloosa Belle*, the newspaper serving his hometown, regularly printed letters from citizens complaining about daytime shootouts occurring at a downtown bar between Flores and ex- or alienated guards who had worked with him. Moreover, rumors persisted from the late 1980s to the mid-'90s that Flores and his crew had committed numerous murders, dumping bodies into the Caloosahatchie River to make the deaths look like accidents. Charges were never brought, but, as one local police officer put it, "When Flores left the area, the rash of drownings stopped occurring." Despite this reputation, however, Flores had been permitted by the state to run his business for years and entrusted to handle payrolls worth hundreds of thousands of dollars for enormous private and public firms.

WHY DO SUCH FLAGRANTLY AND CARTOONISHLY ABUSIVE characters as Flores and Gomez operate at all? Because they can. In the face of disproportionate political power wielded by agribusiness and business-friendly, labor-blind politicians, existing labor laws are weak and their enforcement weaker.

An enslaved or abused worker who dials 911 in south Florida is answered by an English-only speaking dispatcher.

Call the Department of Labor's Wage and Hour Division in Fort Myers, Fla., and a prerecorded message enumerates in English bureaucratese the few types of complaints the office does handle (and the many it doesn't). The recording further explains that the office has no full-time staff and that it's open only once a week, on Wednesdays, for half a day.

Earlier this year, Gov. Jeb Bush partly dismantled Florida's Department of Labor, for reasons of "efficiency." Last year the newly "streamlined" department's farm-labor and labor-contractor staff issued (statewide) 188 violations, for a variety of offenses regarding insurance and paperwork improperly filed by labor contractors. Only a few of these involved failure to pay wages. By contrast, 107 citations were written for improperly labeled or sized tomatoes. In other words, many more citations were written for imperfect fruit than for workers being improperly housed, beaten, stiffed or enslaved.

The Bush administration's proposed 2004 budget for the Department of Labor reflects the steepest reduction in funding of any cabinet agency. It would eliminate the National Farmworker Jobs Program, which has a budget of \$81 million for migrant and seasonal farmworker programs. The effect is a bit like kicking a corpse. A typical example of federal justice: The U.S. Department of Labor cited a large North Carolina tobacco and sweet-potato farm in 1999 for cheating workers an aggregate \$100,000 in wages. The grower was fined—\$650. In 1996, after intensive lobbying from the agriculture industry, Congress prohibited the country's Rural Legal Services from representing undocumented workers—that is, those workers most likely to be abused.

What's important to understand is that for each case of slavery (or other sensational, headline-grabbing abuses that come to light), there are tens of thousands of workers living in dismal conditions. As Laura Germino, a south Florida farmworker advocate explained, "Slavery is to lynching as farmworker conditions are to civil rights. Yes, you want to uncover and prevent the few cases that happen each year. But even more importantly, you want to address the entire system of human-rights abuse that makes slavery possible."

LAST YEAR FLORIDA SHIPPED ABOUT \$491 MILLION worth of tomatoes, according to the Florida Tomato Committee. Growers earned about 34 cents a pound, on average, in the last two years. Florida tomato pickers earn between 40 and 50 cents per 32-pound bucket—a price that has remained largely unchanged since the 1970s. The pickers' shares come out to roughly 1.4 cents per pound.

I recently surveyed produce costs in my Manhattan neighborhood, where retail prices for domestic fresh tomatoes ranged from 69 cents in low-end stores to \$1.75 a pound in boutiques. So, depending on which store I choose, pickers get between 1 percent and 2 percent of what I pay for a retail tomato.

Farmworker advocates in south Florida have long urged Taco Bell and other fast-food chains to voluntarily pay an extra penny per pound for tomatoes. This surcharge would then be passed along to tomato pickers and would literally double their wages. Taco Bell has stated that it has no place intervening in local labor disputes.

By contrast, growers think nothing of passing along other costs. Last December, according to *The Packer*, a trade paper for the produce industry, Florida's tomato producers responded to an increase in the price of methyl bromide, a common pesticide, by passing on a penny per pound surcharge. The price increase was accepted with equanimity as a simple cost of doing business. *The Packer* quoted one tomato salesman as saying, "There's been virtually no opposition to it." The article went on to quote the president of a large packing house, who said, "I guess [buyers] knew when the Florida tomato shippers decided to do something, and it was unanimous, they didn't have much choice anyway."

What would it cost to pay all farmworkers decently? About 1 percent or 2 percent of the national grocery bill. The retail food industry is famous for large markups at each stage of wholesaling, transportation, preparation and packaging, and retailing. In 2000, U.S. consumers spent \$661 billion on food. Of that, only 19 percent went to growers themselves. The rest, 81 percent, went to wholesalers, manufacturers, retailers and restaurants. It would require a raise of \$3,203 a year for every farmworker today to earn the minimum wage. This would cost the average American household about \$50 per year.

Since the 1970s, the public has demanded that Congress pass laws to protect the physical environment. While there's been a lot of grumbling, deception, greenmailing and exporting of "dirty" industry to less regulated countries, it's undeniable that businesses here in the United States are now forced to consider environmental factors as part of the cost of doing business. While environmentally abusive industrial methods might produce cheaper consumer products, that option is no longer considered acceptable.

The only thing unique about farm labor is that industry gets away with wage slavery that has long since been abolished elsewhere in the economy. Why isn't human misery considered part of the environment? Is it acceptable to eat food that comes from a system consigning its ranks to slavery, rape and early death via carcinogenic pesticides?

Autoworkers have their problems with wages, outsourcing, health and pension benefits, and layoffs. But you don't hear about slavery in the automobile industry because workers there, and in most industries, have basic labor rights. With a shift in political priorities and national policies, immigrant farm workers could be paid a living wage—and consumers would hardly notice. ■

JOHN BOWE is a co-editor of GIG: Americans Talk About Their Jobs. He has written for *The New Yorker* and *The New York Times Magazine*.

The Wages of Death

Why immigrant workers need a better contract with America

BY DAVID BACON

That morning, Edilberto Morales' supervisor called at 3. The phone rang in the apartment above the gun store, where he and five friends shared three rooms. They all got up, and in the cold darkness they put on their work clothes and made their

lunch, their breath puffing like smoke in the September air.

Outside, the van picked them up a little before 6. Another nine people were already inside—they lived in the apartment of the driver, Juan, just a few minutes away in the tiny town of Caribou, Maine. The men stopped at the gas station to buy snacks, and the van pulled out onto the road. Its destination lay more than two hours away—a field of trees at the end of a network of dirt roads in the north Maine woods.

At 8 a.m. the jolting of the van jarred Morales awake, and he saw they were barreling fast down the track through the trees. They'd left early that morning because rain had kept them from working the day before—Juan was trying to squeeze a few additional minutes into the workday. "I told him to slow down, but the others woke up, too, and began teasing me, asking if I was scared," Morales recounted. "They all wanted as much time to work as they could get." Bumping and swaying against the men crowded around him, he fell back to sleep.

The next time Morales awoke, the van was speeding across a low wooden bridge. They were almost to the other side when he felt the back tire pop. With no side railing, the van shot off the road and hurtled into the Allagash River below.

"When I came to," Morales recalled, "we were at the bottom of the river, with the tires upward. The front windshield was shattered and water was rushing in. I took a deep breath, and I remember some of the other men crying out. I started pounding on a side window and I broke it—I don't remember if it was with my hand or something else. Then I felt someone tugging at my pants but I couldn't do anything for them because I couldn't breathe. I finally came up to the surface and took a breath."

In the freezing water, with no pants or shoes, Morales went under again, to find his friends. He says he remembers touching someone's hand, "but they were dead." Somehow he swam to shore. "I looked toward the river," he said, "and saw the blood and gas come up to the top. I began to scream. The water was so cold and I was so scared I didn't know what to do." He stood there crying by the river in the middle of the frozen woods until a truck came by. The

drivers, two forest rangers, put him in the cab and turned on the heat full blast.

Morales was alive, but 14 friends were not. He saw the van pulled from the water with their bodies still inside. The next day he identified them for authorities. Then he went back to the apartment and packed their belongings for the long trip back to Guatemala and Honduras.

"I still think about them when I go to sleep," he said in an interview four months later, his voice shaky and uncertain. "I remember back to what happened and how I had to recognize all of the bodies. I think about why I was the only one who survived. Maybe we all should have died." Four were his neighbors in the tiny mountain town of La Democracia, Guatemala. One was Juan Selles, his nephew.

Edilberto Morales will probably never stop pondering the question of guilt and innocence, including his own. On the last day of December 2002, the U.S. Department of Labor gave him one answer. It fined Evergreen Forestry Services, his employer at the time, \$17,000. While "in no way meant to place a value on the tragic loss of life," wrote Labor Department official Corlis Sellers, the department concluded that the company had failed to ensure the safety of the 15 men. Then it moved to revoke Evergreen's license to operate.

But the problem of responsibility is not so easily solved.

Why was the van traveling so fast? It's a simple question, yet the answer requires unraveling the system of contract labor in which these 15 men worked and through which thousands more come to the United States every year. It requires a look at the lives of Morales and his friends, and at the arduous and expensive trip that brought them from the hillsides of their hometowns, planted with coffee trees, to Maine's cold pine plantations.

Soon this simple question will be asked on the floor of Congress, when those industries dependent on guest workers such as Morales move to extend recruitment further and create other programs for supplying contract immigrant labor to U.S. industry. Political momentum for these programs died on September 11, but after nearly two years, their sponsors have recrafted their message. Guest workers, proponents contend, now strengthen national security

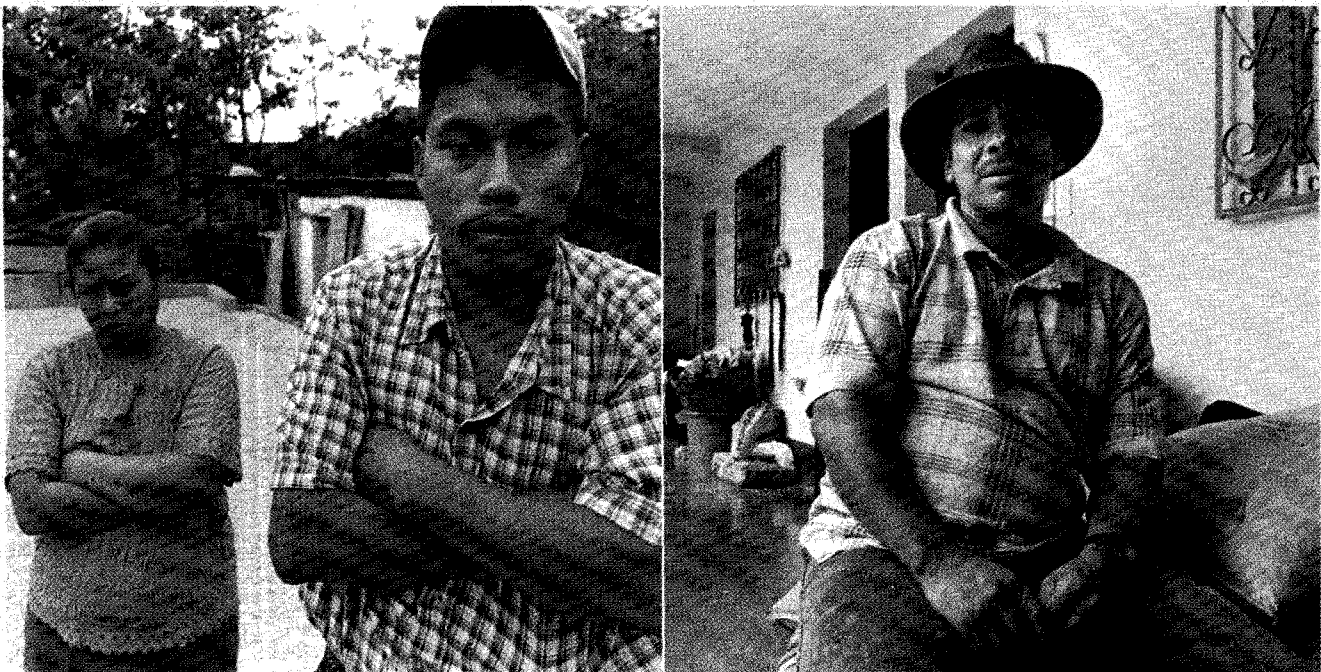
and provide control over borders because, unlike undocumented workers, their entries, exits and movements within the United States can be closely tracked.

FOR THE FOUR DROWNED GUATEMALANS, THE ROAD TO Caribou began in La Democracia, a small town on the Selegua River, which flows north into Chiapas, Mexico, a dozen miles away. Its steep hillsides are covered with coffee plantations where the men all worked most of their lives. The streets into their neighborhoods from the main highway are unpaved, and so steep that only a four-wheel-drive vehicle can make it up to the homes, and then only in dry weather.

There, 27 years ago, Juan Mendez married Florinda Sanchez, who lovingly remembers him as a “playful” man. Three years ago, after the price of coffee fell from 1,000

worker. He borrowed 10,000 quetzales and made two attempts. Each time the Mexican police picked him up before he’d even made it out of Chiapas, the state immediately north of Guatemala. Then he borrowed another 10,000 quetzales and asked Villatoro to take him, too. By the time Morales’ airplane took off from the Guatemala City airport, counting interest, he owed almost 30,000 quetzales.

When the men approached Villatoro, they were at one end of a complex labor-recruitment system. Villatoro himself had been coming and going between Guatemala and the United States for almost 20 years. In 1985 he left La Democracia, partly for economic reasons and partly because of the war. For a decade he’d belonged to the civil defense corps, a paramilitary organization set up by the Guatemalan army to fight the left-wing guerrillas of the



Edilberto Morales and his wife (left) in La Democracia, Guatemala; immigrant recruiter and contractor Silvano Villatoro

quetzales per hundred kilos to 350, Mendez could no longer find enough work to support his family. He took out a 20,000-quetzal (about \$2,500) loan, at 15 percent interest, and paid Silvano Villatoro, a local recruiter, to take him north to the United States to work.

“When he left,” Sanchez recalls, “he said that if it was God’s will, he would return. If not, everyone had to die sometime, and if he died working he would be happy. And that is how it happened.”

Cecilio Morales borrowed 10,000 quetzales for the same purpose. When he left with Villatoro, his wife, Natividad Maldonado, had no money and no food in the house. Taking her 12-year-old son to work with her, she began harvesting coffee beans until the first money orders arrived from the United States.

Morales had the same dream of going north, but at first he tried to realize it on his own, as an undocumented

Guatemalan National Revolutionary Unity (URNG).

He began working in the United States in 1989, at first without papers. Then he received political asylum in 1992. Two years later he began working for Evergreen Forestry Services, a large labor contractor that moved him from forest to forest throughout the southeast, planting trees that would eventually be harvested to make paper.

In 1996 immigration reform created a new visa category—H2-B—that companies could use to bring seasonal workers to the United States for jobs outside of agriculture. Evergreen and Villatoro made a deal. He went back to Guatemala and brought his son and brother under the program. “When the company saw that Guatemalans work hard, they gave us an increase in the number of visas,” he explains. “The next year we took 10 people, and 15 the next. Forty-five traveled in the group last year. This year [2003] we are up to 70.”

Traveling with Villatoro gives two big advantages to those he accepts. The price charged by a coyote, or smuggler, to take someone from Guatemala to the United States illegally is about 35,000 to 40,000 quetzales. Villatoro only charges the expense of the airfare and visa processing—about 8,000. For that sum, people gain temporary legal status and don't have to hide in the U.S. immigrant underground.

Villatoro, who's made enough money as a contractor to buy his own coffee fields back in Guatemala, inspires both admiration and fear in La Democracia. He still has his old association with the paramilitaries, and now he's added the power to decide who can go to the United States to work. "First I got family and friends," he says. "I interview each person individually. If they are teachers or students, you know they haven't done hard labor. I tell them to stay here. I only sign up people who are willing to work." As an indication of his reputation, the person who pointed out his house to me hid under blankets in the backseat of the car, hoping to avoid being seen by the Villatoros and possibly offending them.

Villatoro says he doesn't receive a bounty for each worker recruited, only his wages as a worker. But his whole family is now working in the United States, including his wife, and he spends much of his time on the logistics of transporting and moving his crew. What's more, he's be-

The day the occupants of the van drowned, they were actually on their way to thin trees with power saws (also by piece rate), at the end of the work season. But for most of their time in the United States they'd been planting trees, too, and Morales has similar memories. "We were paid \$25 [per 1,000]," he says, "but with all of the deductions, for the most part our check would come to \$300 to \$400 every two weeks."

From that, before sending anything home, they had to pay for food and board. According to the Eller & Sons worker, "They were charging \$40 per week per person for the hotel where we were staying, and we had to share the room among five people. We were eating, but we couldn't send any money to the family here in Guatemala. We didn't have enough." Morales' apartment in Caribou above the gun store cost each worker \$100 a month.

Typically, workers describe a 10- or 11-hour day, with no lunch break. Under the law, companies must pay overtime for the extra hours, even on the piece rate, but almost none do. Evergreen was investigated and cited many times by the Labor Department's Wage and Hour Division for unpaid overtime. One investigator, bemoaning "a lengthy and woeful history of noncompliance," noted that "regardless of the hours worked, the payroll indicated consistently 40 hours." Other citations included using unlicensed vehi-

The 14 Latino forest workers who drowned in the north Maine woods personify the deadly problems caused by the current system of labor immigration.

come a coffee planter himself. "I grew up working in the coffee fields, but I did not own any until after making all of those trips," he says. "I was able to buy land that way."

Villatoro's success story is based on the labor of his crew on the pine plantations. One worker in Huehuetenango, a city two hours away from Democracia, says of this kind of work: "Our job was to plant little trees. They gave us a tool, called a *talache*, and a bag made of sailcloth to carry the trees. With one hand you open a hole in the soil with the tool, and with the other you take out the tree and put it in. Then you cover the hole with soil and press it down with a kick of the heel. You can fit 600 pines in the bag—about 60 or 70 pounds. So you plant a tree and then take two steps forward to plant the next. It has to be fast. Otherwise you don't plant enough trees."

The work is paid by piece rate, and accusations of cheating by labor contractors are common. This worker, afraid he wouldn't be rehired if he revealed his identity, was employed by another contractor, Eller & Sons Trees Inc. of North Carolina. "They told us they'd pay \$27.50 per thousand trees," he explains. "Sometimes, when the soil was harder, we'd plant 2,000 trees, or 2,500. But to our surprise, the [weekly] checks would only amount to \$100, because they deducted money they said we owed for the equipment we were using. Only \$100! There was not one week that we received more than that. I was planting for two months, and the check before the last was for \$138, and they still told me I owed them."

cles for transporting workers, although in the case of the drownings no such accusation was made. Carol Brooke, staff attorney with the North Carolina Justice and Community Development Center, says Evergreen "was fined over and over for violations in the way they paid, not counting hours, unpaid overtime, housing violations and using unlicensed farm-labor transportation."

WHILE SOME INSPECTORS AT THE LABOR DEPARTMENT tried to enforce compliance with the Fair Labor Standards Act, it is clear that other parts of the government were working against them. Despite the fines, Evergreen received the certification required for employing H2-B workers every year from the Employment Training Administration (ETA), another part of the Labor Department. Brooke herself wrote to the Atlanta ETA office and the Immigration and Naturalization Service five times, objecting to the certification. Regina Luginbühl, bureau chief of the Agricultural Safety and Health Bureau, wrote, too, and William Green, the state's monitor advocate, filed a complaint with the office of the inspector general.

Floyd Goodman, who is responsible for H2-B certification in the Atlanta office, wouldn't comment directly on Evergreen. But, he said, unless the Wage and Hour Division revokes an employer's license, he assumes any applicant is abiding by state and federal law (a requirement for H2-B certification). His office has never rejected an H2-B application for violations of the Fair Labor Standards Act, or

state wage and hour laws. "We have no information that they're doing that," he said. When asked about the letters from North Carolina, he responded, "I have no way of knowing if the accusations are true or not." He sends a copy of every certification application to the Department of Labor's Wage and Hour Division. "If there are outstanding violations, they wouldn't get their contractors' license. If they've been fined, and paid their fines, then that satisfies their legal obligation."

Lack of enforcement doesn't just protect labor contractors. Further up the food chain are much larger economic interests. Tree planters are workers in the paper industry, planting and cultivating trees that will eventually be harvested and taken to paper mills. And paper is one of the most oligopolized industries in North America. International Paper alone is the largest private landowner in the United States, with more than 12 million acres of forest.

Paper companies don't employ tree planters directly, however. They hire labor contractors such as Evergreen and Eller & Sons. The workers who died in Maine were even more insulated from the big boys. There Evergreen had been hired by a land-management company (another common practice), Seven Islands Land Co. And Seven Islands was working for a private landowner, Pingree Associates. But in the end, the trees the men were going to thin that fateful day will eventually wind up in a big paper mill.

The paper companies have kept the price of planter labor low for 20 years by setting up a system in which contractors such as Evergreen bid against one another for contracts to plant or thin a given tract of land. In January 2001, the Florida-based Migrant Farmworker Justice Project and Virginia Justice Center sued three of the largest paper conglomerates, Champion, International Paper and Georgia-Pacific, accusing them of responsibility for unpaid labor and overtime violations by their contractors. In the course of depositions, paper-company officials admitted that the price they were paying contractors for labor hadn't gone up in as much as 20 years. As a result, contractors who used to hire people living in the United States began bringing in H-2-B workers to cut wage costs.

THE PAPER COMPANIES SAY THEY'RE NOT RESPONSIBLE because they don't directly employ the planters. But the Migrant Agricultural Worker Protection Act specifically says that if the larger company has the power to control the work and employment conditions, it is responsible. Morales

remembers that "a lot of [white] inspectors, who came in a company truck, would inspect our work. If they didn't like it they would send us back and have us do it again." Morales didn't know the name of the company on the truck—just that there was one.

Last year, however, a U.S. District Court judge ruled against the plaintiffs, holding that the companies were not responsible for employment conditions. The cases are currently on appeal. Farmworker advocates are very concerned about the possibility that federal law could be weakened if the companies prevail. "The act was passed in 1983 specifically to establish grower liability, because they were untouchable before," says Cathleen Caron, former staff attorney at Florida's Migrant Farmworker Justice Project.

And in the wake of the Maine accident, another form of damage control seems evident, too. As Florida attorneys prepare lawsuits over the drownings, Evergreen no longer answers the phone in Sandpoint, Idaho. Villatoro says he was cut loose. "The company I represented for six years no longer exists," he says. "It combined with another similar company, named Progressive [Forestry Services Inc.], and they have a another representative here in Guatemala, Karla Ponce."

The H-2-B program has been very advantageous to paper companies despite the controversy and lawsuits. In 2000, about 52,000 people came under H-2B visas to fill temporary jobs in landscaping, tree planting, housekeeping and other areas, staying for about 10 months.

Other industries would also like to use contract labor, and they've formed a lobbying group in Washington to advocate for

more programs. The Essential Worker Immigration Coalition (EWIC) includes 34 employer associations from industries including hotels, health care, construction, janitorial services, meatpacking, amusement parks, retail stores and the U.S. Chamber of Commerce. Its agenda has some elements that immigrant-rights advocates and unions also support, such as a legalization program for undocumented workers and repeal of employer sanctions, which make it illegal for an undocumented worker to hold a job.

But the heart of its agenda are the following two points: "short-term: an effective H-2B-like program," and "long-term: an employment-based visa that could be converted to permanent residence." EWIC co-Chairman John Gay says most industry groups would prefer the second alternative—creating a whole new visa category for permanent contract workers because the H-2-B program is set up for temporary,



Widows of two guest workers who drowned in Maine

seasonal employment. "But it's possible that this aspect could be changed," he speculates.

The coalition combines both legalization and guest-worker proposals because it believes that guest-worker expansion alone would never get the needed 60 votes to defeat a filibuster in the U.S. Senate. "Organized labor would go ballistic," Gay says. "That's why we're for the whole enchilada." Before September 11, such a compromise was being discussed in the back rooms of Congress.

In the closing year of the Clinton administration, Silicon Valley employers pushed through expansion of the visa program for H1-B high-tech workers. Another compromise to expand the H2-A program for guest workers in agriculture almost passed, but growers, thinking they might get a better deal, pulled back after George W. Bush was elected in 2000. The most far-reaching proposal, though, was the trade-off between H2-B expansion and legalization. This was the central element of immigration-reform proposals being considered by the Bush administration and pushed by Mexican President Vicente Fox.

Even some labor advocates were willing to consider the option for the sake of winning legalization, so long as several conditions were met. There had to be protections for the right of guest workers to organize, they insisted, labor standards had to be enforced and there had to be a clear path to permanent residency after completing a reasonable number of work hours. Other union leaders seemed doubtful. John Wilhelm, president of the Hotel Employees and Restaurant Employees International Union, who also heads the AFL-CIO's immigration committee, said, "I don't think it's possible to have labor protections for contract workers." Pointing to the fact that even among U.S. citizen workers, one in 20 loses his or her job in the course of union organizing campaigns, he concluded, "To think the law will protect people whose right to stay in the country ends with their job is not living in the real world."

When asked why he didn't protest the excessive deductions from his pay, the Eller & Sons employee responded, "We didn't protest because we couldn't. We were far away from where the company had its headquarters. We'd only deal with a manager who gave us orders and took us to work. And maybe the next year they wouldn't give us the chance to go." Instead, he said, workers just walked away. "They'd leave the company and go elsewhere. Some came back when it was time to go back to Guatemala, and others would just stay for two or three years. They found out it was not worth it to work for that amount of money."

The contractors themselves seemed to acknowledge this was happening. Morales spent weeks working off the books in Mississippi, where he was paid much better—"about \$300 a week, but we were paid in cash." Virgilio Lorenzo, a neighbor of Morales who went to work for Eller & Sons through contractor Ismael Recinos, reported that after three months, "They would let us work elsewhere. I worked in construction in West Palm Beach, Fla., for three months and then returned to Guatemala."

THE BUSH ADMINISTRATION'S PLANS FOR AN EXPANDED Free Trade Area of the Americas and Mexico's Plan Puebla-Panama will put even more economic pressure on the coffee farmers of La Democracia and rural producers throughout Mexico and Central America, driving many to the United States. Gay and the EWIC argue that the migration created must be channeled into a process that gives people some form of legal status. The key question, of course, is what that status should be. "September 11 means we have to look at all these issues through the lens of national security," Gay says. "We live in a pool of migrating people, and we have to control people coming across the border."

In a new Republican-dominated Congress, that is a powerful argument, enough to get proposals for immigration reform off the back burner and onto center stage. But is the argument likely to result in reforms that guarantee the rights of these migrants? Or is the purpose of immigration law to supply labor to industry on terms that the employers find acceptable? If the point is just to control and track immigrants' movements, a new version of the old bracero program serves equally well.

The United Nation's International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families proposes an alternative framework for dealing with migration. It supports the right of family reunification, establishes equality of treatment with citizens of the host country and prohibits collective deportation. Both sending and receiving countries are responsible for protecting migrants. The convention recognizes the global scale and permanence of migration, and it starts by protecting the rights of migrants themselves.

But there is no U.S. legislative alternative to guest workers at present that acknowledges this permanence. No normal visas are available for the coffee farmers at the embassies in Guatemala or Mexico City, where the waiting line for green cards goes back to 1976.

The 14 men who drowned in the north Maine woods, and the 14 coffee farmers from Veracruz who died trying to cross the border illegally in the Sonoran desert the year before, and the 18 immigrants who were asphyxiated in a truck this May near Houston are surely symbols of the deadly problems caused by the current system of immigration.

Reforms to that system could give the future migrants who follow them real rights as workers, and the ability to truly belong to communities on both sides of the border. If they do, these deaths may have meaning long after the names of the perished have been forgotten. But it would be a terrible irony if those drowned men were used to justify a new system enshrining the abuses of the old. ■

DAVID BACON is a photojournalist and an associate editor at Pacifica News Service. Bacon's book about labor and organizing on the U.S./Mexico border, *The Children of NAFTA*, will be published by University of California Press in January.

Civics Lessons From Immigrants

What happens to the working-class political voice when many of its speakers aren't citizens?

BY MICHELE WUCKER

The United States has always relied on immigrant workers, but in the last few decades their numbers have risen to a new peak. By 2000, roughly one in eight U.S. workers, or 17 million people, were foreign-born. That's up from about one in 17 in

1960, according to the U.S. Department of Labor. From 1996 to 2000, thanks to the economic boom, the number of jobs in the United States rose by 6.7 million; immigrants filled just under half of those. Pay scales typically follow this hierarchy: native-born American citizens, naturalized American citizens, legal immigrants and permanent residents, guest workers and finally undocumented workers. Overall, foreign-born workers earned about 76 cents for every dollar earned by U.S.-born workers in 2000.

But the impact of immigrant workers goes beyond economics; it has political consequences for all workers. Because noncitizen immigrants can't vote, a large fraction of the working class ends up without a political voice, exploited by employers and resented by many native-born workers.

In the face of this vicious circle, the response of many immigrants has been creative, even inspiring. Despite their lack of the franchise, many immigrants have been adapting classic American models of civic participation and inventing new ways of being heard. In the workplace, immigrants are turning to unions, and vice versa. Many immigrants' groups are also joining get-out-the-vote and registration campaigns, and often helping to mobilize support for candidates even if they can't vote themselves. Many remain politically active in their home countries.

In some cities, including Chicago, New York and the Washington suburb of Takoma Park, Md., immigrants have won the right to vote in certain local elections, particularly for school boards. Others are educating their fellow immigrants about their rights and responsibilities, and teaching them English. They've created membership organizations that provide financial help and moral support. There is a movement to have their consulates issue IDs that U.S. banks will accept in lieu of Social Security numbers. Immigrants are also pressing their homeland governments to lobby the United States for better treatment of their compatriots, here and at home.

Since the AFL-CIO embraced immigrants in 2000, reversing long-standing policy, several affiliate unions have intensified organizing and outreach efforts. The 1.5-

million-member Service Employees International Union (SEIU) delivered 1 million postcards to the White House last fall with a plea to legalize immigrants. The nonpartisan Center for Immigrant Democracy, which the SEIU founded in 2001, wants to mobilize newly enfranchised citizens, as well as "established" Americans who vote infrequently. Its get-out-the-vote slogan is, "My family votes 100 percent." The center and the Spanish-language television network, Univision, are planning to broadcast a presidential pre-primary debate in December focusing on issues important to immigrants: education, legalization, housing and living wages.

The Hotel Employees and Restaurant Employees International Union (HERE) is spearheading an Immigrant Workers Freedom Ride this fall, inspired by the Freedom Riders of the civil-rights movement. Immigrants and foreign-born citizens will board buses in nine cities on Sept. 20 and travel to Washington and New York to focus public attention on immigrant rights and reform.

The Union of Needletrades, Industrial and Textile Employees (UNITE!) has campaigned for college-aid assistance for undocumented immigrants who came here as children, as well as for funding to reduce the backlog in citizenship applications. In North Carolina, Latino and African American poultry workers are lobbying for better wages and working conditions. And the multiethnic Omaha Together One Community is supporting better working conditions for meatpackers.

APPROXIMATELY 140 IMMIGRANT WORKER CENTERS Nationwide provide services and teach legal rights and leadership skills, according to Janice Fine, who is studying immigrant work centers for the Economic Policy Institute. These centers represent a modern-day version of the mutual-aid societies, fraternal-aid organizations and settlement-house movements of the late 19th and early 20th centuries, which helped immigrants get a foothold in America, bury their relatives and friends, and care for the sick.

Community activists in New York's and San Francisco's Chinatowns and along the Texas-Mexico border formed

the first modern-day worker centers in the late 1970s. Since then, centers have burgeoned in Latin American and Southeast Asian urban immigrant communities, often developing close ties to labor organizations. The centers have formed networks among themselves and with more established organizations such as the National Urban League and the NAACP. In Los Angeles, the Multi-ethnic Immigrant Workers Organizing Network has mobilized Asian and Latino immigrants in various low-wage industries to promote legalization and workers' rights. And day-laborer groups in the United States and Mexico have formed the binational Electronic Network for Latin American Careers and Employment (ENLACE).

Outside the workplace, the National Coalition for Haitian Rights is engaging a broad spectrum of New Yorkers in an education effort to improve police-community relations after brutal attacks on Haitian immigrants in the late 1990s. Irish and Caribbean immigrants in Boston are working to get drivers licenses for immigrants, regardless of whether the immigrants are documented. In Brooklyn, African Americans and Caribbean and African immigrants manage a community credit union in an effort to build their neighborhood's economic base. In Queens, immigrants from the former Yugoslavia run a cultural education center, called RACCOON, whose aim is to promote understanding among and about people from the war-torn region.

Arab Americans are running voter-registration and naturalization drives, hosting civic-education workshops and lobbying Washington to rein in Attorney General John Ashcroft's campaign to require aliens to register with the Immigration and Naturalization Service. In the 2002 elections, Arab American groups registered 250,000 new voters and ran 40 candidates for offices, 26 of whom won, according to the Arab American Institute.

Even as groups work to increase the number of immigrants who vote, other factors limit the ability of non-citizens to participate in public debate. Foreign-born workers in supposedly hard-to-fill occupations who come to the United States through temporary H-1B, L-1 and Special Agricultural Workers programs are at the whim of their corporate sponsors. That means they must accept their employers' terms or return to their home countries, leaving their rights severely limited. At the peak of the new-economy boom, Congress raised the annual limit on temporary worker visas to 195,000. (In 2001, 163,600 were approved; that cap, unless revised, will fall back to 65,000 on Sept. 30.)

THE UNITED STATES, PARADOXICALLY, HAS ALSO QUIETED civic debate by resisting the idea of dual citizenship. While about 100 other nations allow their nationals to be citizens of a second country—and many allow them to vote from abroad—critics of the practice believe dual citizenship deters allegiance to the United States. However, in other countries it often turns out that migrant workers are able to earn more money and better protect their rights if they are citizens of both their native land and their newly adopted homeland. A good cit-

izen is one who participates in civic life, not one who merely feels patriotic affinity.

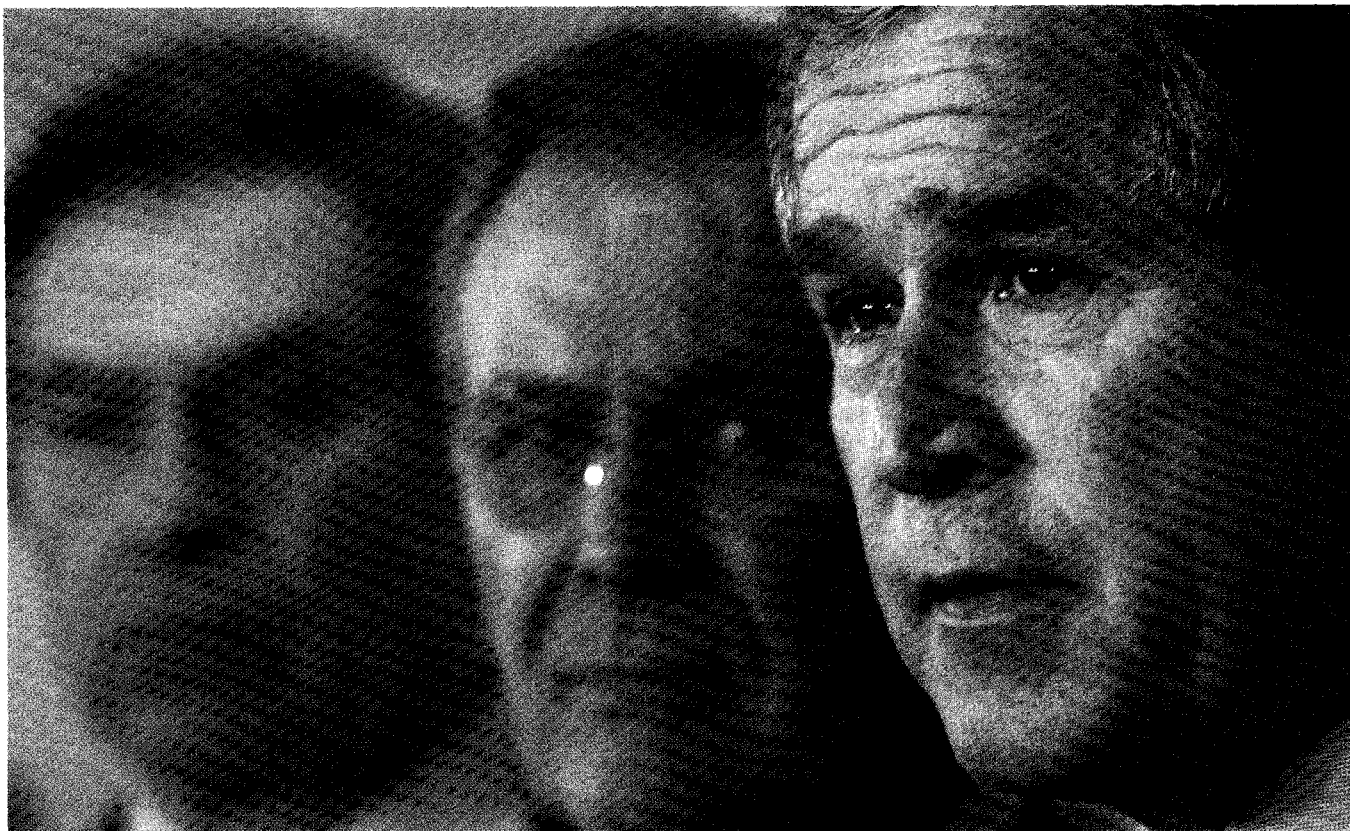
The European Union provides a laboratory for multiple civic attachment. Currently, Ireland, the Netherlands, Denmark, Norway and Finland allow foreign residents to vote in local elections. So do some Swiss provinces. Since 1975, New Zealand has allowed all permanent residents to vote in general elections. The United Kingdom, Spain, Portugal, Iceland and Israel allow some form of local voting to foreigners with special cultural ties or reciprocity agreements. As T. Alexander Aleinikoff and Douglas Klusmeyer point out in their book, *Citizenship Policies for an Age of Migration*, existing political systems do not always make sense. "Why," the authors ask, "should [a European Union] citizen who has just recently moved to another member state enjoy a right to vote in a local election while a third-country national who has lived there for years but does not yet qualify for naturalization is excluded from participating in his or her city?"

That question is also relevant in the United States. Why should an immigrant who pays taxes, is affected by local voting decisions, and even risks his or her life by serving in the U.S. military be denied a voice in the community? The U.S. Constitution leaves this question to local communities to answer; an increasing number of them are deciding that immigrants deserve a local voice. In Manhattan, Dominican immigrants in 1986 carried out a major parent-registration drive to ensure that noncitizen parents exercised their right to vote in school-board elections. In the 1990s, several communities in Maryland and Massachusetts approved local voting rights for immigrants, although the Massachusetts legislature is unlikely to enact the necessary enabling measures.

A similar noncitizen voting effort made it onto San Francisco ballots last year as Proposition C, which would have allowed immigrants to be appointed to city boards, commissions and agencies. But voters rejected the measure, partly because they believed it would remove any incentive for immigrants to become citizens. Opponents of Proposition C unfortunately overlooked the fact that immigrants face backlogs of years and sometimes decades in their efforts to naturalize or even get legal permanent-resident status. (Those delays have grown longer since September 11, the result of increased security measures and an anti-immigrant political tide.) They also failed to take into account the distinction that advocates make between local elections, where local residents are direct consumers of services such as education, and national elections, where there is a stronger case that the franchise should be reserved for citizens.

Voting in local elections gives immigrants an unbeatable education in the American political system. There's no better preparation for eventual citizenship. We all benefit when new Americans think of themselves as full members of civil society. ■

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Nuclear haste: An administration wielding a policy that goes beyond mere deterrence

Critical Mess

How the neocons are promoting nuclear proliferation

BY DRAKE BENNETT

BACK IN JANUARY, BRAZIL'S NEWLY APPOINTED MINISTER of science and technology, Roberto Amaral, suggested in a radio interview that his country had nuclear ambitions. "Brazil is a country at peace, that has always preserved peace and is a defender of peace, but we need to be prepared, including technologically," he said. "We can't renounce any form of scientific knowledge, whether the genome, DNA or nuclear fission." It was hardly a Kim Jong-Il-caliber nuclear tantrum, but it did cause a stir. The comments were roundly condemned and a flurry of clarifications followed.

But Amaral's boss, President Luiz Inacio Lula da Silva, had made similar noises. In a campaign speech last year to retired military officers, Lula criticized the fact that the 1968 Nuclear Nonproliferation Treaty (NPT) allowed nuclear powers to keep their weapons but denied them to everyone else. "If," he complained, "someone asks me to disarm and keep a slingshot while he comes at me with a cannon, what good does that do?" Here in the United States, Lula's invocation of the forbidden nuclear fruit caught the attention of several members of Congress, who in an alarmed letter to President Bush pointed out the Brazilian leader's past ties to Fidel Castro.

Brazil would have little difficulty joining the ranks of nuclear powers. For decades the country had a secret military nuclear program before renouncing it in the early 1990s. Brazil has two nuclear power plants, the capacity to enrich uranium and is developing a rocket that, if converted for military purposes, could have a range of 2,200 miles. In 1997 the Brazilian army raised suspicions by trying (unsuccessfully) to restart a military nuclear-research project.

Odds are Brazil is not going nuclear anytime soon. As a country that voluntarily gave up a well-developed nuclear-weapons program, it has been one of the nonproliferation regime's success stories. But the comments of Amaral and Lula show that the nuclear temptation is still strong, not only for rogue states that find themselves in America's crosshairs but for countries around the world that aspire to great-power status.

Today nuclear weapons are on Americans' minds in a way they haven't been since the height of the Cold War. Compared with the prospect of a nuclear-armed terrorist, the threat posed by a nuclear Brazil is hardly chilling. But the re-emergence of nuclear ambition in Brazil's government is alarming because it questions the ultimate endurance of non-

proliferation. The Bush administration is ready to reinvent arms control, to ask questions that go to the heart of what our broader nuclear-weapons policy should be. As the alignments of the Cold War evolve into something more fluid, that's to be commended. Unfortunately, Bush's answers are only making things worse.

The preemptive attack on Iraq, billed in part as a battle in a larger war against nuclear proliferation, may well have convinced other nervous nations that nukes are their only hedge against a similar fate. Then there's the administration's push for low-yield and tactical nuclear weapons, and for a nuclear policy that goes beyond mere deterrence. Throw in a pathological aversion in the Bush White House to international obligations and you have all the ingredients for destabilization, a new arms race and an increasingly unsafe world.

TODAY'S NUCLEAR NONPROLIFERATION REGIME IS LARGELY the legacy of John F. Kennedy. After darkly invoking the specter of a U.S.-Soviet "missile gap" throughout his 1960 presidential campaign, Kennedy got into office and realized that within 10 years, the nuclear quartet of the United States, Great Britain, the Soviet Union and France could grow into an unwieldy gang of 20 or 30 countries. In 1961, Kennedy created the Arms Control and Disarmament Agency, negotiated

are no evil weapons, just evil men and women who want them. Bill Keller—writing in a recent *New York Times Magazine* cover story—compares the counterproliferationists' suspicion of nuclear disarmament to the sentiments expressed on a National Rifle Association bumper sticker, which reads, "If nukes are outlawed, only outlaws will have nukes." Another NRA staple springs to mind, as well: "Nukes don't kill people, people do."

The "National Strategy to Combat Weapons of Mass Destruction," released by the White House last December, lays out the administration's position. In the document, counterproliferation is the first of the strategy's "three pillars," with nonproliferation taking a subsidiary role. The administration insists, however, that the two still form "seamless elements of a comprehensive approach." In theory they could be just that. And in practice they have been. The sort of muscular language on Iran and North Korea that Bush championed at the recent G8 meeting was nothing new. Counterproliferation is neither a creation of the Bush administration nor of the neoconservatives spread through its foreign-policy ranks. Rather, it was born under Les Aspin, Bill Clinton's ill-starred first defense secretary. Joseph Cirincione, director of the Nonproliferation Project at the Carnegie Endowment for International Peace, points out that counterproliferation was simply "the role that the Department of Defense could

Counterproliferation's most radical disciples even suggest we give some of our allies nuclear weapons if they have neighbors we want to deter.

the Limited Test Ban Treaty and began negotiations on what was to become the NPT.

After the collapse of the Soviet Union, neoconservatives forwarded the argument that the NPT had outlived its usefulness. The treaty provides no real enforcement mechanism. And nations such as India, Pakistan and Israel that were particularly interested in nuclear weapons simply refused to sign it. The Bush administration makes much of these limitations. Assistant Secretary of State for Nonproliferation John S. Wolf told the Senate Committee on Foreign Relations in March that while the NPT "remains the cornerstone" of U.S. nonproliferation policy, international agreements alone "are simply not enough" to stop the spread of weapons of mass destruction. Richard L. Garwin, a physicist and arms-control expert whose experience with nuclear weapons extends back to his work on the Manhattan Project itself, says the current U.S. commitment to the NPT is strictly conditional. "The Bush administration does not favor treaties," he says, "but they like the benefits of the NPT."

Today's nuclear-weapons debate divides along the fault line between the "nonproliferationist" and "counterproliferationist" schools. Nonproliferationists argue that nuclear weapons are a special and an increasingly less necessary evil. Counterproliferationists are more difficult to define. Paul Bracken, a Yale University political-science professor and author of *Fire in the East*, a study of weapons of mass destruction in Asia, dismisses the term as too vague. "To some people it means forceful diplomatic action," he says. "To others it means blowing things up." But in general, counterproliferationists want to fight fire with fire. They believe that there

play in nonproliferation efforts. It was going to develop technology and programs to counter [nuclear] programs in instances when diplomacy failed, or in support of diplomacy." In other words, it was a piece of a larger nonproliferation strategy. Aspin, a fervent believer in nuclear disarmament, frankly admits that coercive military means might be required to enforce nonproliferation.

But from a means, counterproliferation has grown into an end, and the original goal has dropped out of sight. The point is no longer the reduction in the number of arms but the concentration of those arms in the right hands. Counterproliferation's most radical disciples even suggest we give some of our allies nuclear weapons if they have neighbors we want to deter. Back in January, *Washington Post* columnist Charles Krauthammer proposed giving Japan nuclear weapons in order to pressure China, which would in turn pressure North Korea. "If our nightmare is a nuclear North Korea," he wrote, "China's is a nuclear Japan. It's time to share the nightmares."

Making a practice of this surely wouldn't be in the interests of U.S. security. We have a patchy history of choosing lasting allies. Arming the shah of Iran might have deterred some of his neighbors, but having the Ayatollah Khomeini inherit those weapons would certainly have made us rethink that decision. And if we really want to give China nightmares we should give Taiwan nuclear weapons. But the escalation of tensions from that provocation would be its own nightmare. To follow Krauthammer's advice would be to repeat the greatest errors of the Cold War—with exponentially higher stakes.

THE ADMINISTRATION HAS NOT SUGGESTED THAT IT wants to kick off a Far East arms race. Its counterproliferationist mind-set starts at home, with strenuous opposition to binding cuts in U.S. nuclear programs. Instead, it holds that we may need to make our nuclear posture more aggressive. A review of U.S. defense policy published in 2000 by the neo-conservative hothouse The Project for a New American Century (PNAC) argues that reducing our nuclear force is likely to be dangerous; it favors not only updating it but expanding its role beyond strategic deterrence. That the Bush administration has taken this advice to heart is no surprise. Several PNAC contributors are now running U.S. foreign policy, including Paul Wolfowitz and Stephen Cambone at the Pentagon and I. Lewis Libby in the White House. Douglas Feith (the undersecretary of defense), John Bolton (the undersecretary of state) and Robert Joseph (the National Security Council's senior counterproliferation official) have espoused similar views.



vices, the smaller “battlefield” weapons that sit in storage in both the United States and Russia. With the rest of its military atrophying from lack of money, Russia is in the unenviable position of actually relying on tactical nukes, and therefore not eager to get rid of them. Tactical nukes are hardly an important component of U.S. deterrence policy; nonetheless, the Bush administration in May pressured Congress to relax the 10-year ban on research into low-yield nukes in part to explore the possibility of “bunker-buster” bombs. (In a display of distressingly loopy logic, some advocates suggest using these weapons to destroy biological and chemical weapons stockpiles.)

This cavalierly aggressive attitude has not gone unnoticed in Russia. Putin, who desperately wanted deeper reductions and a commitment to destroying deactivated weapons, was deeply disappointed and embarrassed by the agreement. In a recent speech, he proposed that Russia begin work on “new types of Russian weapons, weapons of the new generation,



Signings of the times: John F. Kennedy (left) inks the Limited Test Ban Treaty in 1963; Vladimir Putin and George W. Bush formalize the Moscow Treaty in 2002.

To see this approach in action, look no further than the Moscow Treaty, which Bush signed with Russian President Vladimir Putin last year. It requires that each country must have no more than 1,700 to 2,200 “operationally deployed” nuclear warheads by Dec. 31, 2012 (down from today’s 6,000). There is, however, no timetable for the reductions, and no enforcement mechanism. The retired weapons do not have to be destroyed or dismantled but can simply be stored (an especially disturbing prospect considering the ramshackle condition of Russian nuclear security and the Bush administration’s failure to adequately fund programs aimed at the problem). Most egregiously, the treaty expires the instant the limits go into effect. As Ivo H. Daalder and James M. Lindsay wrote in these pages last year [see “One-Day Wonder,” Aug. 2, 2002], “[T]he United States and Russia are free—except for a single day a decade from now—to deploy as many (or as few) warheads on operationally deployed systems as they like. Yes, it is as absurd as it sounds.” Just in case these terms prove too onerous, either side can pull out with 90 days’ notice.

The treaty also makes no mention of tactical nuclear de-

including those regarded by specialists as strategic weapons.” He did not say “nuclear,” but the implication was clear, and the comments were widely seen as a response to the Bush push for new nuclear-weapons research.

Setbacks such as these might be worth the price if the Bush policy were paying off in Iran and North Korea. But it’s not. Invading Iraq was supposed to show Iran and North Korea that getting nukes doesn’t pay. So far, neither has shown a change of heart. That doesn’t mean that they’re not scared of us. Kim Jong-Il went into hiding just before the Iraq War, according to American intelligence, because he thought he, too, might be a target of “decapitation strikes.” A security guarantee from the United States is the one constant in North Korea’s continually shifting demands. However shrill and reckless North Korea’s rhetoric, the country’s nuclear program is driven largely by fear of U.S. attack. And Iran has seen a hostile neighbor (Iraq) replaced by a slightly less hostile but exponentially more powerful neighbor (the United States). The problem is not, then, that the Bush policy has been insufficiently tough. Precisely the opposite. As Cirincione says, “The lesson that Iran and North

Korea seem to have drawn from the war is that they should speed up their nuclear programs, not abandon them.”

IN LIGHT OF THE SHORTCOMINGS OF THE ADMINISTRATION'S approach, it's worth taking a look at what Bush is turning his back on. The Nuclear Nonproliferation Treaty was meant not only to stop but also to reverse the proliferation of nuclear weapons. The treaty was a deal struck between the nuclear and non-nuclear powers. The latter would forswear the pursuit of nuclear arms and, in return, the former would agree to help them develop peaceful nuclear programs, to not threaten them with nuclear weapons in the event of conflict and to “pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament.”

No treaty by itself can take away the power and temptation of nuclear weapons. That nukes would cease to be the badge of great-power significance has always been somewhat utopian. For countries such as Brazil, the drive for nuclear weapons was fed as much by an unabashed desire for status as by security considerations. And Lula's bellicose campaign pronouncements show that the two-tiered NPT system of nuclear haves and have-nots still rankles.

But for 30 years the NPT worked surprisingly well. China, having tested its first device in 1964, signed on as a nuclear power. Egypt, Sweden, Italy and Switzerland gave up serious nuclear-weapons programs upon signing. Along with Brazil, Argentina and South Africa eventually followed suit. With the breakup of the Soviet Union, the former republics of Belarus, Kazakhstan and the Ukraine forfeited their inherited nukes. All in all, according to a 2002 Carnegie Endowment study, at least 40 countries with the capability and knowledge of how to develop nuclear weapons have chosen not to do so.

Moreover, contrary to popular conception, we're not seeing a new burst of proliferation. Since the United States founded it in 1945, the nuclear club has been growing at the rate of a new country every few years. The Soviet Union joined in 1949, Britain in 1952, France in 1960, China in 1964 and Israel (though ambiguously—to this day, its official position is the sphinx-like statement, “Israel will not be the first to introduce nuclear weapons into the Middle East”) by 1966. India tested a nuclear device in 1974, and for nearly a quarter of a century it seemed happy to have tested once without deploying any nuclear weapons. Pakistan, too, apparently had nuclear capability as of 1986, 12 years before its first test. Iraq almost joined in the early '80s and then again in the mid-90s. (As of this writing, we have yet to see any conclusive evidence that Iraq had restarted that program in recent years.)

Nuclear know-how and materials have certainly grown more available. Especially in the years just after the Cold War's conclusion, it was much easier for a nuclear aspirant to find cash-strapped scientists and loose fissile materials by sifting through the fragmented remains of the Soviet empire. In the 40 years since the Manhattan Project, the technology has trickled out into the public domain. As Walter Russell Mead, a senior fellow at the Council on Foreign Relations, puts it, “When the first bomb was built, it took a lot of money and you had people like Einstein working on it. Now a lot of not very impressive physics Ph.Ds are working on them, and a lot of the parts can be bought off the shelf.”

THE NUCLEAR NONPROLIFERATION TREATY ULTIMATELY DID not live up to its ambitious aims. If a country really feels it needs nuclear weapons, it is very hard to change its mind, either by carrot or stick. But an increasingly isolated United States is even less able to stop the spread of nuclear weapons. An imperfect treaty at least imposes a structure and a set of norms. The “indispensable nation,” as Bill Clinton called the United States, can't alone solve the nuclear problem. We can, however, aggravate it. We cannot always make countries feel safer but we can certainly make them feel less secure—not only vulnerable rogue nations but powerful and already nuclear ones, too.

In response to the triumphalism of the neocons, Fareed Zakaria wrote in *The New Yorker* that the United States was “the dominant power at the end of the Second World War, when it founded the United Nations, created the Bretton Woods system of international economic cooperation, and launched most of the world's key international organizations. For much of the twentieth century, America embraced international cooperation not out of fear and vulnerability but from a position of confidence and strength.” Machiavelli said it is better to be feared than loved. But, Zakaria counters, “He was wrong.” In today's world, preserving stability and equality between nations requires norms—whether codified into treaties and international bodies or not—and nukes. As we devalue the former by withdrawing from treaties and scoffing at multilateral institutions, we increase the value of the latter.

The great irony is that the Bush administration, despite its “talk loudly and brandish a chainsaw” rhetoric, will probably continue to shrink the nuclear arsenal. Leonard Spector of the Monterey Institute's Center on Nonproliferation Studies points out that, “As a practical matter, the actual deployments are decreasing substantially, the number of warheads being dismantled continues to grow, at every stage that you look the arsenal is coming down.” Behind the bluster, the administration's stance is less about nuclear weapons than about what Daalder and Lindsay call the “fetish for flexibility.” But this fetish makes for a less stable world, and all the more so when nuclear weapons are involved. Out of a fear of being taken advantage of, the administration makes itself unable to be relied upon.

The United States ultimately does not benefit from a world with fewer rules. The Bush administration is right to push for greater enforcement capabilities for the International Atomic Energy Agency but wrong to insist on exempting its own arsenal. If the United States suddenly got rid of its nuclear weapons, the world would not be a safer place. But it would be safer if we made a good-faith effort to create what Bracken calls an “agreed nuclear world.” Such an effort should take into consideration the security considerations of countries besides our own—it should, for example, acknowledge that dealing with proliferation in the Middle East involves addressing Israel's nuclear arsenal—and it should work not to undermine the nuclear taboo but to ensure it. A small, transparent American nuclear arsenal might in fact be credibly seen as a defensive force, as opposed to a jealously guarded guarantor of omnipotence. In nuclear policy, as in medicine, our motto should surely be, “First, do no harm.” ■

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Mr. Personality

Is that enough for John Edwards?

BY GARANCE FRANKE-RUTA

Sen. John Edwards (D-N.C.) sits about two feet away from me in the back of a sleek, black Dodge Durango SUV, a package of melting peanut-butter chocolate-chip cookies between us. We're speeding past fields and silos in southwestern Iowa, down a badly paved road to a \$25-a-plate bratwurst-and-hamburgers fundraiser for a state senator, where Edwards will be a guest speaker. It's a Saturday in mid-May, and the corn in the fields around us is but a hint of green in the ploughed earth. Come summer, when the corn is as high as an

elephant's knee, the Edwards campaign will begin storming the state on more than an occasional basis. By the time the corn is as high as an elephant's eye, the Iowa polls should also be more reflective of Edwards' real standing, says his Iowa co-Chair Robert Tully. September 2003 is when the 2004 Democratic presidential primary contest begins for real.

Right now, though, Edwards isn't worried about his standing in the polls. Sure, he's running nearly neck and neck at 3 percent in New Hampshire with retired Gen. Wesley Clark, a man who isn't even running for president, and he's been hard pressed to crack 8 percent in polls of likely caucus-goers in Iowa. Nationwide, Edwards places fourth or fifth in the field of nine declared Democratic presidential candidates, with between 5 percent and 8 percent of likely Democratic voters picking him in May's polls. Even in South Carolina, where Edwards was born and whose Feb. 3, 2004, primary will make or break his campaign, Edwards lags behind Sen. Joe Lieberman (D-Conn.) and Rep. Richard Gephardt (D-Mo.), according to an April poll.

Nor is Edwards terribly concerned about the buzz, which peaked in his favor between 2001 and 2002, when *People*, *The New Yorker*, *The New Republic* and other magazines ran puffy profiles of the senator. It helps that he doesn't read most of the articles about him or his competitors. If he did, he'd come across comments such as this one from Hastings Wyman,

successfully fought off the attempt to smear him in terms just like those President Bush would likely use were Edwards to get the Democratic nomination. Edwards went on to win the general election 51 percent to 47 percent. The seven-person Democratic primary contest that year was won on similar terms: Edwards beat his nearest rival by outspending him 4-to-1 in a final two-month, \$3.2 million advertising blitz while his opponent focused on a ground campaign and could afford only two weeks on TV. Edwards won 50 percent to 29 percent.

Now he's got plans to start the next TV campaign early, by running ads in Iowa, New Hampshire and South Carolina by early fall, say aides. "We don't expect we're going to move in the polls until we're on TV," said one Edwards aide. "The first two quarters our primary aim was fundraising."

IN APRIL THE EDWARDS CAMPAIGN ANNOUNCED THAT IT had raised \$7.4 million in the first quarter of the year, instantly catapulting Edwards, a freshman senator with no prior political record, into the top tier of candidates vying for the Democratic presidential nomination. With Bush poised to raise \$200 million or more and the Republican Party currently holding a 3-to-1 financial advantage over the Democrats, the ability to raise big money could well mean the difference between winning and losing the general election, not to mention the primary.

Edwards' appeal is such that Bush and the Republican Party are, according to *The New York Times*, more frightened of facing him than other Democratic candidates.

editor of the *Southern Political Report*: "What has surprised me is that I don't think [Edwards] is an automatic favorite in the South Carolina primary. One would assume he would be, because he was born there, and because his career developed next door, but he's kind of being looked at the same way [Sen. John] Kerry [D-Mass.] and Gephardt are being looked at." Gordon Fischer, the silver-haired chairman of the Iowa State Democratic Party, says, "Here in Iowa, we're used to grass-roots campaigning ... it's small groups, it's living rooms, coffee shops, church basements. [Former Gov. Howard] Dean [D-Vt.] has been here the most."

One reason Edwards is not too worried, despite growing chatter about his inability to break out of the pack of presidential hopefuls, is that his last—and only—campaign taught him one important lesson that he's hoping will stand him in good stead come 2004: Television matters. A lot. Especially in places such as South Carolina, whose Democratic Party members are not accustomed to the grass-roots style common in Iowa and New Hampshire. And especially in the other 14 states that will hold caucuses and primaries between Feb. 3 and the day the Super Tuesday states vote: March 2, 2004.

When Edwards ran for Senate in North Carolina in 1998, he was, according to one poll, 10 points behind his opponent, hog farmer and incumbent Republican Sen. Lauch Faircloth, with just six weeks to go before the election and under bitter attack from a series of nasty TV ads. Edwards was a "slick-talking personal-injury lawyer," "Clinton clone" and "tobacco-taxing liberal," said the ads; one showed Edwards' nose "growing like Pinocchio's," according to *The Charlotte Observer*. Edwards poured millions into television and suc-

In any other year, John Edwards would be an appealing candidate. Remarkably young looking for a 50-year-old, he's a warm, charming southerner in a country whose last two Democratic presidents were, too. He knows how to talk to people from all walks of life without talking down to them. He paints his life as a dreamy, all-American rags-to-riches (well, lower-middle-classes-to-riches) story punctuated by just enough tragedy to make us feel sympathetic to him, despite his current net worth valued at \$8.7 to \$36.5 million, according to the Center for Public Integrity. Edwards is relentlessly hardworking and has reached out to some of former President Bill Clinton's top aides, such as Democratic Leadership Council (DLC) President Bruce Reed, for advice and insight on developing a policy agenda.

Edwards' appeal is such that Bush and the Republican Party are, according to *The New York Times*, more frightened of facing him than other Democratic candidates. Despite his currently low poll numbers, he's an unusual figure: a full-on red-state guy who threatens to play on the Republicans' home turf. Though he hasn't yet shown he can do so—he lost the white vote in North Carolina in 1998 but won thanks to urban support and high African American voter turnout—the spooked Republican National Committee has nonetheless attacked him several times since he announced his candidacy on Jan. 2. He'll soon be subjected to a couple of harsh billboard ads in Iowa and New Hampshire from Americans for Job Security, a GOP-allied insurance industry front group, making him the only Democratic hopeful yet to come under fire in those states.

Rhetorically, Edwards is a natural populist. From his youth

in company-owned mill towns, where everything from grocery stores to family homes belonged to the corporation, to his adult days as a trial lawyer fighting big insurance companies, HMOs and hospitals on behalf of people with medical or product injuries, big corporations were his enemy. North Carolina has a proud political tradition of populism, too, dating back to the 1890s, and when Edwards ran for office in 1998, his message was as populist as they come. He campaigned as “the people’s senator” who would advocate for “regular people”; he’d protect Social Security, the environment, Medicare and tobacco, and fight for a patients’ bill of rights. “We’re not intimidated by some CEO,” says Tully of Edwards’ trial-lawyer mentality. “That’s our job, to take these people on.”

But Edwards’ populism today is populism with a difference: It is a parsimonious populism. Where Gephardt, the other populist in the race, has proposed a universal health-care plan that would cost upward of \$200 billion in its first year, Edwards has harped on the patients’ bill of rights, which was first proposed in the House of Representatives in the year before Edwards took office and has yet to make it onto a president’s desk. Getting that bill through the Senate, with a little help from powerful co-sponsors Sens. Ted Kennedy (D-Mass.) and John McCain (R-Ariz.), is the legislative accomplishment Edwards says he’s proudest of. “It’s important to me personally,” he says.

Perhaps Edwards’ emphasis on low-cost administrative solutions to the nation’s problems is to be expected in these times of busted budgets and spiraling deficits. The first part of his health-care agenda is a six-point plan that focuses on containing costs, largely through legal and regulatory mechanisms. He proposes revitalizing rural areas by bringing them enterprise zones and broadband Internet access. He advocates “college for everyone,” but designed a plan that covers only one year of higher education—and then only at state schools or community colleges. His proposals are often small, sensible and loaded with symbolic appeal. Indeed, they’re reminiscent of the kind of platform the Clinton administration developed as a strategic response to the Democrats becoming a legislative minority in 1994. But while micro-initiatives may have been an acceptable response in a time of peace and prosperity, we no longer live in that world.

The question is whether, in a post-September 11 world—and after four years of an administration that has proved itself bold to the point of shamelessness—such cautious, methodical ideas will be enough to win voters’ loyalties during a general election in which even a fundraising dynamo like Edwards will find himself massively outspent.

An even more immediate question is what it will take for Edwards to vault to the front of the primary pack, given the strong organizational, financial and issue-based competition he faces. While his campaign has focused on fundraising, Kerry, Lieberman and Sen. Bob Graham (D-Fla.) have taken the lead on national-security issues; Gephardt’s long ties to labor have given him an edge as the populist in the race; and Dean and Rep. Dennis Kucinich (D-Ohio) have energized anti-war

liberals and disaffected independents. For Edwards to trump them all, just about everything would have to go right for him in the months ahead. He’d need to win big in South Carolina and beat expectations elsewhere. The liberal front-runners (Kerry, Gephardt, Dean) would have to bloody one another in Iowa and New Hampshire, and Edwards would need to top the two moderates (Graham, Lieberman) there and in the South.

Even if political pros lump Edwards in with the moderate Democrats in the race, Edwards himself denies having any particular philosophy of governance. “I don’t analyze these issues on some ideological spectrum. That’s not how I think about them. I think about the issues that I think affect the lives of working people, regular folks,” Edwards tells me. “I’m trying to make their lives better.” As for the coming contest with Bush, he says, “I don’t think it’s an ideological debate; I think it’s a debate about what are the values of most



One of the gang: John Edwards (second from left) shoots for middle ground

Americans and how the president is completely out of touch with those values.”

To the extent that Edwards eschews political labeling, he continues to try to make the debate about himself rather than about what his ideas represent. “A lot of my policy ideas are driven by my own experience, driven by the way I grew up,” he says.

By personalizing the debate, Edwards seems to be hoping to avoid being labeled either an unelectable liberal or a DLC-style centrist. He’s been criticized and praised as both in the past. By remaining a bit of a cipher, he can allow people to project whatever they want onto him, to see him as a progressive, as *The Nation* did in 1998, or as an advocate for traditional values. And by personalizing the race against Bush and turning a debate about economics into one about values, Edwards hopes to play to his own strengths—namely his likeability—and turn Bush’s own down-home style against the president. “Just because you have yourself a new ranch and wear a big belt buckle doesn’t make you a friend of rural America,” Edwards likes to say. If he can make the debate about who’s more trustworthy and who’s more authentic, Edwards is counting on being able to win every time.

EDWARDS HAS BEEN LAUDED IN TWO YEARS' WORTH OF fulsome press accounts as having the potential to be another Bill Clinton, yet he is not, in fact, the kind of man who bowls people over with his prodigious grasp of policy details or a light-up-the-room charisma. He's not a "rock star," is how his voluble press secretary, Jennifer Palmieri, puts it. "Bill Clinton has this rock-star aura," she says of the former president, for whom she worked in the White House. "I remember the first time I saw him: It was like light was emanating from his silver hair. It's overwhelming ... John Edwards doesn't overwhelm people; he connects with them."

Indeed, spend more than a few minutes with Edwards and it quickly becomes clear that it's virtually impossible to dislike him. He grows on you. He's funny and good-humored and talks respectfully to just about everyone. He's good-looking in that healthy, corn-fed, all-American kind of way that often plays well on TV, his flop of sandy brown hair unmarred by any normal signs of aging. He's got a great big laugh, and if he can't hear you, he's liable to lean over, place his meaty hand on your arm and ask you, with a lift of his eyebrows and kind smile, to repeat what you were saying. He talks like the practical, cautious state-school graduate that he is, using a simple, colloquial grammar made even more down-home by his heavy North Carolina drawl, which he's confident will be a political asset. "It helps that Ah talk lahk this," he says.

Born in Seneca, S.C., Johnny Edwards, as he was long known, moved around a fair bit until he was 12, when his family settled in the hamlet of Robbins, N.C. His father worked there for many years in a textile mill, rising to the position of mill supervisor, while his mother ran a small antique store and later worked for the U.S. Postal Service, delivering mail. Though the couple wasn't college educated and sometimes struggled, they weren't poor. Edwards played high-school football and went on to become the first person in his family to go to college.

He enrolled at Clemson University but dropped out in his first year, after a football scholarship fell through and he didn't have the money to continue. The next year he started at North Carolina State, graduating in 1974. That was quickly followed by a law degree from the University of North Carolina in 1977 and marriage to fellow lawyer Elizabeth Anania. The young couple moved to Nashville, Tenn., where Edwards spent the next five years working for Republican Sen. Lamar Alexander's former firm, defending big companies. In 1981 he returned to North Carolina and started working for a plaintiffs' firm, Tharrington, Smith, and Hargrove, where he discovered he had such a gift for trial law that he soon went on to found his own firm, Edwards & Kirby, LLP, with a law-school classmate. Over the years, Edwards would win judgments of more than \$152 million in 63 cases, according to *The Washington Monthly*. Plaintiffs' lawyers typically keep about a third of what they win.

ON A MID-AFTERNOON IN MAY, IN A HOTEL BALLROOM IN Ottumwa, Iowa, Edwards demonstrated some of his famous charm. Rushing from the Durango, he arrived before the audience with his tie loosened, his normally neat hair for once slightly disheveled and his shirtsleeves rolled up. As Edwards moved deep into his stump speech, he placed his right hand over his heart, as if unconsciously. With his left hand he ges-

tured as he spoke, the perfect picture of forthrightness and commitment. "Y'all remember Bush traveling around the country and saying he was going to bring prosperity to every forgotten corner of America? Well how's he doing here?" he asked. Not so good, judging by the sound of the replies. Asked if they were doing better than they were four years ago, those gathered burst out with a resounding chorus of "No!" When Edwards spoke of "a world where wealth is inherited and where you hide, and hold on to everything you got," he crossed his arms tightly across his chest, like a child hoarding a favorite toy. When an audience member hesitated to clap for him, Edwards put the person right at ease. "You can clap for me if you like," he said with a smile. "In fact, I kind of like it."

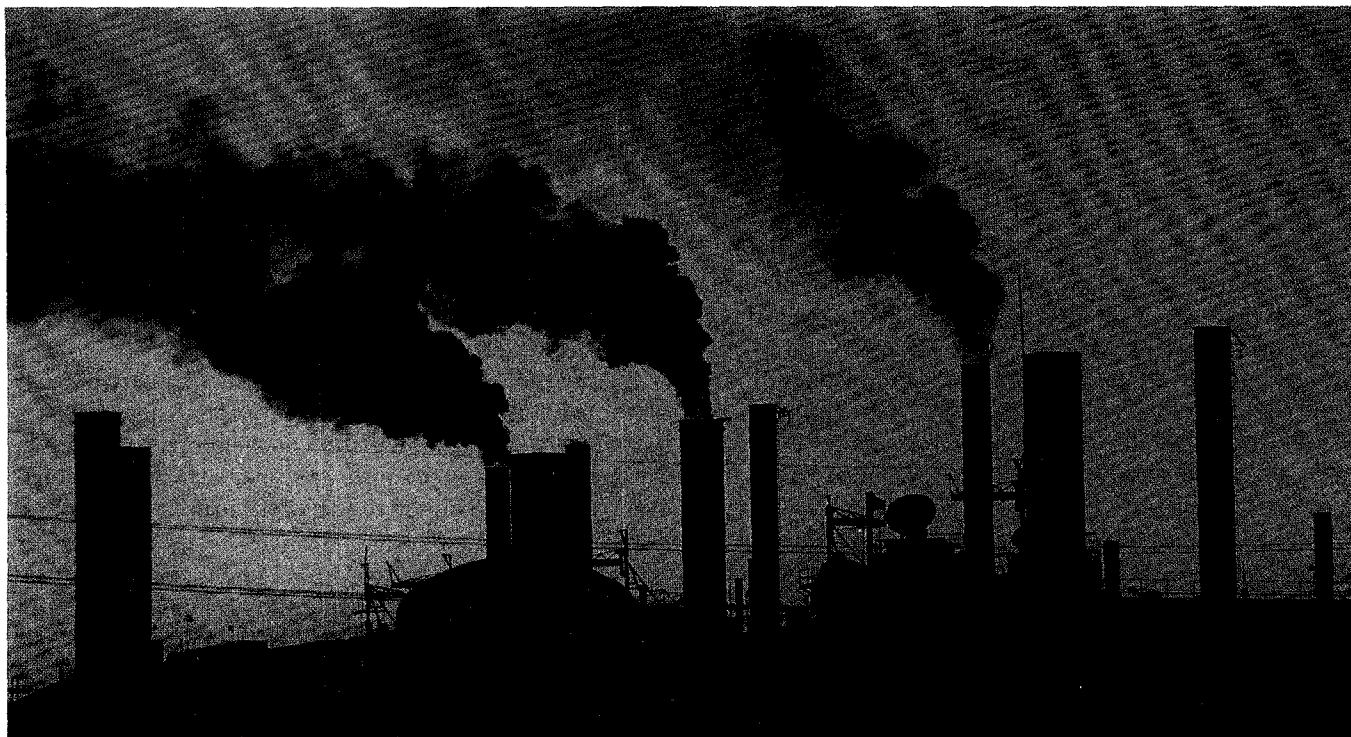
With his amiable good manners, Edwards prides himself on meeting people where they are and then taking it from there. The trick to meeting people where they are, though, is figuring out where they're coming from. When he worked as a lawyer, he sometimes ran up to six different focus groups to see which trial strategies played best. It's harder to figure out where people are coming from on the campaign trail on a day-to-day basis.

As a result, Edwards is sometimes overly cautious, vague or evasive. Asked which issue Democrats should have focused on in 2002 that they didn't, Edwards replied, "I don't think there's one issue. I think we failed to distinguish ourselves." Other times his message of nonideological realism can seem so constrained it limns the border between pragmatism and pessimism. "What we ought to do is what we can do," he told a man worried about the impact of trade agreements on the local manufacturing sector in Ottumwa.

For Edwards, it all comes down to a question of trust, thickly defined, and that's something he learned how to win during all those years in the courtroom. "Every trial, every major trial, is about credibility," Edwards tells me. "It's not enough that they like you, it's not enough that they trust you, if they don't think you understand what's happening—if they don't think you have a command of the substance of the issues, then they're not going to follow you. Because they want to do the right thing. I think exactly the same thing's true with voters. I think it's just harder and more difficult to reach voters. You've got a captive audience in the courtroom."

Edwards is counting on being able to win voters' trust. The question is whether being a fierce but pleasant critic of Bush with a lot of money and a passel of small, sensible proposals but no governing ideology is enough to do that. Juries are fundamentally different from voters in that they are passive audiences and their participation is involuntary. The information that juries receive and can consider is controlled by a host of strictures and laws. In Iowa, at least, the voters must actively and voluntarily caucus based on information set not just by formulas, but by their hearts. The case against Bush, Edwards often says, "is one of the easiest cases I've ever had to argue." But the task of developing a rousing agenda for the Democrats—and for America—that responds to the present times is a greater challenge. It's true that the case against Bush is easy and clear, and every hopeful in the Democratic race is making it. What's proving harder for John Edwards to make is the case for John Edwards. ■

GARANCE FRANKE-RUTA is a Prospect senior editor.



Industry standard: U.S. chemical self-regulation in all its glory

Business Meets Its Match

U.S. corporations get their way at home. But the old charm isn't working in the Old World.

BY SAMUEL LOEWENBERG

FOR DECADES THE AMERICAN CHEMICAL INDUSTRY HAS put tens of thousands of substances on the market and into the environment with little interference from the U.S. government. What a surprise, then, to come up against the new Europe.

The European Union, concerned that it does not have health or environmental data on the majority of the compounds now in use, is crafting legislation that by 2005 will require the industry to conduct extensive safety tests on 30,000 common chemicals. At least 1,500 are expected to be banned or severely restricted in their use as a result. The industry estimates that the testing alone will cost it more than \$7.5 billion.

"At present we are unwittingly testing chemicals on both living humans and animals," European Environment Commissioner Margot Wallström told chemical-company executives in Brussels, Belgium, the EU capital, this spring. "It is high time to place the responsibility where it belongs: with industry."

The American companies—and the Bush administration, which on their behalf continues to pressure the European Union to drop this matter—are not used to such talk, much less such action. In Washington, corporations wielding insider connections and buckets of campaign cash are used to woo legislators and regulators. But as the Americans are finding out, that dynamic does not hold in Brussels.

When American chemical-industry executives wanted to fly to Brussels to quash the safety-testing legislation, their European counterparts told them to holster their Palm Pilots and stay home. "Their perception was, 'Here come the cowboys,'" says Fred McEldowney, who works on international issues at the American Chemistry Council, the Washington lobbying arm of manufacturers that includes Dow, DuPont and ExxonMobil.

This was not just a tactical dispute. It reflected a fundamental difference in the way Europe and America view the role of the state in the market economy and the role of corporations in public life.

Over the last few years, the European Union has put into effect a raft of far-reaching environmental and consumer-protection legislation that would be unimaginable in Washington: a moratorium on genetically modified foods; another on beef treated with growth hormone; a requirement that automakers and electronics manufacturers pick up the tab for disposing of their products in environmentally friendly ways; and a ban on the use of such common electronics manufacturing materials as mercury, lead and brominated flame retardants. It also recently upheld a prohibition on pharmaceutical company advertising and is debating whether to prohibit television commercials directed toward children.

U.S. companies will have to make some major adjustments if they want to do business in Europe's 340-million-person market—or in its half-billion-person market next year, when the European Union is slated to add 10 new member countries.

CHEMICAL REACTION

The story of the European chemicals legislation is illustrative of American companies' fumbling so far. From the beginning, says Alain Perroy, chief lobbyist for the European chemicals industry, "we were all convinced in Europe that there was no way to get that legislation to disappear." And Perroy turned out to be right. But the Americans saw things differently. They thought the Europeans were practicing a kind of "preemptive surrender," in McEldowney's words.

The American Chamber of Commerce, which acts as the voice of U.S. industry in Brussels, initially opposed the whole notion of mandated chemical testing. The chamber relied on the kind of rhetoric about preserving competitiveness and "building upon industry's sense of responsibility" that has often carried the day in Washington. When the European Union nonetheless issued a white paper calling for industry-financed testing of 30,000 compounds, the Chamber of Commerce was forced to regroup. It issued an irritated response and turned to lobbying against particular provisions of the proposed legislation, arguing against an outright ban

market and thus preempt many large lawsuits. He points out that product liability lawsuits cost U.S. industry about \$180 billion a year, or 1.9 percent of the gross domestic product.

EU regulators don't try to finesse the costs of the legislation. They estimate that industry will have to shell out 3.6 billion euros (about half of what the chemical industry predicts) for testing. In addition, according to EU estimates, the legislation's indirect costs—as chemical prices rise due to the testing and higher-priced chemicals replace those withdrawn from the market—will total between 14 billion and 26 billion euros by the year 2020.

But, by the Europeans' count, this is a small price to pay for the benefits gained. The European Commission estimates that the strengthened regulation of chemicals will result in a drop of 2,200 to 4,300 cancer cases per year, with a savings over 30 years of 18 billion to 54 billion euros in occupational health costs alone.

AMERICAN BUSINESS, BY AND LARGE, HAS BEEN SLOW TO adapt to this European mind-set. But the Bush administration has been even slower. It weighed in early on the chemicals legislation and is now dropping hints about starting a trade war over it.

Last year, the U.S. ambassador to the European Union, Rockwell Schnabel, complained in a *Wall Street Journal*

The American penchant for "self-regulation" has little credibility with EU officials, who tend to take the view that companies will misbehave if left to themselves.

on chemicals found to be hazardous and pushing for a smaller bureaucracy and a looser time line for testing.

But these attempts at a limited rollback of the chemicals initiative were also unsuccessful, and by 2002, the chamber was mainly trying to keep the European Union from *extending* it. Meanwhile, the Europeans were talking about expanding the testing to all products with chemicals in them, which is to say, everything.

WHAT WAS, AND STILL SEEMS TO BE, THROWING CORPORATE America off-kilter is what Wallström has called the "radical paradigm shift" between American and European thinking on these issues. According to the "precautionary principle," a doctrine enshrined in the 1992 Maastricht Treaty among EU members, governments should protect their populations against risk, even before all the data are compiled. The doctrine is a prescription for government intervention before harm occurs. By contrast, Washington generally doesn't pass broad regulatory overhauls unless there's concrete evidence of harm. U.S. laws that put new burdens on industry—such as the Superfund or the recent accounting reform—tend to be attempts to clean up disasters.

Europe's chemicals legislation "is a remarkable effort, because it is very expensive and it isn't in response to a public crisis," says Mary Graham, co-director of Harvard University's Kennedy School of Government Transparency Policy Project.

Proponents claim that the chemical-testing legislation will save companies money in the long run. Dr. Michael Warhurst, who works on the issue for the World Wildlife Fund, argues that the tests will keep especially dangerous chemicals off the

Europe op-ed that European regulators did not take enough business input into their decisions and that they were concentrating too much on environment and health at the expense of growth and trade. Schnabel is a former member of Dan Quayle's Council on Competitiveness, which was established in the first Bush administration with the mandate of quashing new regulations that it determined were unduly costly to industry. (The current Bush administration has an agency in place with a similar mandate.)

The U.S. government also responded to the EU white paper on the chemicals policy with what it calls a "nonpaper," an unsigned letter distributed to European Commission officials that complained about the European policy. The nonpaper called the EU plan a "costly, burdensome, and complex regulatory system" that could distort global markets, eliminate jobs and reduce consumer choice. Both the U.S. government and American corporations also argue against the regulations on the grounds that they are not "based on science." Never mind that safety testing is a patently scientific endeavor.

Since then, senior U.S. Department of Commerce officials have lobbied EU member states, and officials from the U.S. Environmental Protection Agency have traveled to Brussels to promote U.S.-style regulation of chemicals, which involves a testing program covering only 2,200 compounds and is, of course, voluntary.

In May, U.S. Assistant Secretary of Commerce for Market Access and Compliance William Lash told *The New York Times*, "This is a big game; it will dwarf the [genetically modified food] dispute."

The Bush administration, however, has a lot to overcome.

Its standing on environmental matters is notoriously low in Europe. President Bush's decisions to pull out of the Kyoto global-warming treaty and skip the Johannesburg development conference were minor stories in the U.S. media but major controversies in Europe. Indeed, they "had an enormous impact on the perception of U.S. companies from an environmental-policy perspective," says Julian Lageard, the lobbyist for Intel who heads the American Chamber of Commerce's committee on environmental affairs. "All of your activities are in the spotlight."

THE DISTRUST BETWEEN THE EUROPEAN UNION AND American business on this issue is, of course, compounded by their differences on the subject of government itself. Lobbyists in Washington attack every piece of legislation their employer doesn't like by calling it "big government," and they are guar-

"The American context is so neoliberal that it is very hard for any American, whether they are a consumer organization or a corporation, to understand what drives Europeans," says David Earnshaw, a former parliamentary aide who is now a lobbyist in the Brussels office of public-relations giant Burson-Marsteller.

U.S. companies have long tried to sell Europeans on the American laissez-faire model. Before the Enron, Wall Street and corporate-accounting scandals broke, U.S. businesses were putting strong pressure on European and other international accounting regulators to adopt U.S. accounting principles. The senior finance officials of both Pfizer and General Electric, for example, pushed the International Accounting Standards Board to forgo a rule requiring that stock options awarded to executives be counted among a company's expenses. That effort has now been put on hold.



Which way to the lobby? The European Union at work

anteed to find a receptive audience in nearly all Republicans and many Democrats. It's a different story in Europe. After all, the European Union is, by definition, big government.

The American penchant for "self-regulation" rather than government oversight also has little credibility with officials in Brussels, who tend to take the view that companies, like children, will misbehave if left to themselves.

"Our reaction when faced with regulation is, 'Hold on a moment! What's the problem? Is legislation necessary?'" says Baudouin Kelecom, a spokesman for ExxonMobil in Brussels. And while his company has a reputation for being the most recalcitrant of U.S. concerns operating in Europe, at home most American companies express a similar attitude. Industry, they insist, is better at monitoring itself than government is at overseeing it. This has been the dominant strain in federal regulation since the days of Ronald Reagan.

European companies are usually far more willing to accept regulation. The social democratic history of Europe in the last 50 years has left a legacy of entwinement between government and industry such that even fully private European companies are used to government intervention and strong labor unions.

EUROPEAN MANNERS

Lobbying, considered in Washington a respectable method for business interests to weigh in with the government, is looked upon with suspicion by most member states of the European Union. To be sure, there's no lack of political schmoozing among European politicians and business representatives. Nor are European politicians strangers to the backroom deal or the envelope under the table. In 2000, much of the European Commission was fired in a cloud of scandal while corruption was revealed at the highest levels in France and Germany.

But the current conflict between corporate America and the European Union cannot be fully understood unless one considers that the bribery and corruption that have long plagued European politics are dwarfed by what is legal and accepted in Washington. In the United States, lobbyists can kill legislation at almost any point in its progress. They can keep it from ever being heard in committee and they can cut its funding after it's been passed. Whether the issue is tobacco, health insurance or nuclear power, corporate lobbying tactics in Washington are standard: Give tens of thousands of dollars to candidates, hire former officials who used to regulate the

industry, and utilize mass mailings and front groups to produce an appearance of grass-roots support, known in the business as "Astroturf."

These tactics are just beginning to surface in Brussels. The big pharmaceutical companies, GlaxoSmithKline and Merck, mobilized and funded patients groups representing the mentally ill, which helped the firms win approval for the patenting of genes. General Electric, wounded in 2001 when the European Union quashed its merger with Honeywell, has now moved its European headquarters to Brussels, and has chosen an Italian—the same nationality as EU Commissioner for Competition Policy Mario Monti—to head it. And Microsoft recently engaged in a high-profile revolving-door hire, bringing on Detlef Eckert, the former head of policy planning for the European directorate of information technology. In that post, Eckert reportedly had access to confidential documents in Brussels' antitrust case against the software giant. (Microsoft has assured EU officials that he will not be working on antitrust issues.) One U.S. investment bank executive recently bragged that his company had well-connected former high-level officials on retainer in almost every European country. "We can get access to anybody we want to," he said.

The potential for manipulation clearly exists. Like Washington, Brussels operates in a bubble little understood or observed by the general public, where overworked and understaffed politicians and bureaucrats must make complicated decisions on a host of policy issues. This is fertile ground for lobbyists—as providers of substantive information and political intelligence—to grow in influence. And just as in Washington, corporate lobbyists in Brussels far outnumber public-interest representatives.

Moreover, the European Union is made up of a variety of institutions, all still evolving and all vying with one another for power. The most important decision-making bodies are the Council of Ministers, made up of heads of state and senior cabinet officials, which proposes and approves legislation; the European Commission, the giant multinational bureaucracy, which proposes legislation and promulgates regulations; and the 626-member European Parliament, which used to be rather weak but lately has been strengthening its oversight and legislative role, particularly on environmental and consumer issues. Within these bodies, government representatives and parliamentary deputies have allegiances to a plethora of political parties, among them socialists, greens, Thatcherite conservatives and hard-line nationalists.

Yet despite this, Brussels does not seem to be in the grip of the partisan wars that so paralyze Washington and are so easily exploited by corporate lobbyists. Instead, compromise is the name of the game. At a recent hearing of the European Parliament's financial-services committee, some 50 committee members from 15 countries were crowded into a room wearing headphones while interpreters in glass booths overhead gave simultaneous translations in dozens of languages. Waiters in red vests and bow ties moved silently around the room pouring tea. In the back, scores of lobbyists jotted down notes. The only interruptions in the earnest proceedings came when the German chairwoman begged a Spanish member to slow down so that her interpreter could keep up.

The elitism for which the EU bureaucracy is so often criticized seems to provide further insulation from influence by

big business. Bureaucrats in the European Commission, whose lawmaking powers are similar to those of the U.S. Congress do not run for election and thus can't be pressured in the same way as members of the U.S. Congress. Lobbyists in Brussels attach even more significance to the fact that they're quite limited in the campaign donations they can dispense in Europe. This is dictated by custom and by law. The cost of European campaigning, in any case, is low. David Robert Bowie, a three-term member of the European Parliament from Britain, says that his last campaign cost only a little more than \$40,000.

Ironically, it's the growing democratization of the European Union, the increasing power of its elected parliament that may provide the greatest opportunities for corporate lobbyists to exert American-style influence. As Hill & Knowlton European Chairwoman Elaine Cruikshanks recently noted, the parliament "is open and accessible and has members with relatively few staff to support them." Already, Cruikshanks says, members are eager for lobbyists to help fill the informational void.

THE POWER OF BIRD-WATCHERS

But to date, U.S. companies have been regularly stymied by European political realities. And they have been repeatedly caught off guard by the power of environmental, health and consumer movements in Europe.

Unlike in Washington, where Greenpeace and Ralph Nader are seen as the political fringe, in Europe politicians cross such public-interest groups at their own peril. The green movement had its roots in Germany, the industrial giant; France fights heated trade wars on behalf of family farmers and fresh pastries; and England, home of Thatcherism and privatization, is also a nation of militant bird-watchers and garden-club members.

"Often American corporations don't understand the pace at which this stuff moves over here. It comes as a terribly rude shock to them," says Gavin Grant, deputy chairman at the London office of Burson-Marsteller, where the lobby is lined with large TV screens flashing graphics interspersed with the words "The Power of Perception."

One of the forces behind the chemicals legislation was Greenpeace, which campaigned for it for years. The organization is now campaigning in Germany and the United Kingdom to support the testing law and overcome the opposition of chemical makers in those countries, says Stephen Tindale, who heads Greenpeace in Britain.

U.S. officials and corporate executives who maintain that the European Union is issuing regulations to protect its own industries are missing the point. By making laws that force companies to put the social contract above their earnings, Europe is taking on not just particular American businesses but the very way that America does business.

As Michelle O'Neill, an Irishwoman who lobbies on environmental issues for Hewlett-Packard, puts it, "Just because they are big, powerful companies in the U.S. doesn't mean they are going to be treated better in Brussels." ■

SAMUEL LOEWENBERG is a journalist based in Madrid, Spain. This report grew out of research conducted in Brussels, London, New York and Washington, which was funded by the German Marshall Fund of the United States.



Bad Medicine

Why Bush's malpractice policy will only help insurers

BY SASHA POLAKOW-SURANSKY

FOR THE THIRD TIME IN AS MANY DECADES, DOCTORS across the country are protesting rising medical-malpractice insurance premiums. The American Medical Association (AMA) is promoting its long-standing goal of medical-liability reform in the shape of a \$250,000 cap on "pain and suffering" (noneconomic) damages in malpractice cases. Karl Rove must be thrilled. For an administration determined to deplete the coffers of Democratic trial-lawyer donors—and damage presidential hopeful Sen. John Edwards (D-N.C.) in the process—malpractice reform is a godsend.

It is also a powerful wedge issue with the potential to alienate doctors from Democrats after their recent collaboration on the Patients' Bill of Rights. Just one year ago, the AMA and trial lawyers were working together to pass legislation allowing patients to sue HMOs. But with reimbursements declining and malpractice premiums rising, trial lawyers are the physicians' new target.

President Bush's AMA-backed proposal to cap pain and suffering damages at \$250,000 will satisfy the AMA's desire to shield doctors from liability while curtailing maimed patients' rights to sue. But in the end it is more likely to line the pockets of insurance companies than reduce rates for doctors.

Depending on whose statistics you use, the median jury award for malpractice ranges from \$125,000 to \$1 million. The Physician Insurers Association of America reports that claim payments of more than \$1 million have increased from less than 2 percent in 1990 to almost 8 percent in 2001, driving the median up from \$150,000 to more than \$300,000. Contrary to insurance-industry claims, however, overall medical-malpractice payouts have not increased substantially. During market downturns, insurers set aside vast reserves to pay anticipated claims, counting these reserves as "incurred losses"—even while these funds accrue investment income. But excluding these set-asides, actual insurance-company payouts increased only 15 percent from 1998 to 2001, according to Americans for Insurance Reform (AIR)—far less than premium increases in most states.

Medical-malpractice law is a lucrative industry, as many a phone book cover will attest. But contrary to the administration's line, increasing jury awards are not single-handedly driving premiums through the roof. Rather, a steep decline in insurers' projected investment income is largely responsible for rising rates. Medical-malpractice insurers do not invest heavily in stocks; in fact, approximately 80 percent to

90 percent of their investments are in the bond market, and bond income has been declining. Moreover, insurance companies are technically barred from recovering past losses by raising premiums, an argument the AMA parrots to dismiss claims that insurance companies are at fault. But insurance companies do regularly raise rates based on projected investment losses. For medical-malpractice insurers, investment income represents a far greater share of profits than in other lines of coverage due to the long lag (up to 10 years) between premium payments and claim payouts. And when investment income evaporates, it hits hard. AIR's J. Robert Hunter, an actuary and former Texas insurance commissioner, tracked premiums and insurance-industry investment returns over the last 30 years. He found that each of the three

malpractice insurance "crises" directly coincided with declining insurance investment returns.

Insurance competition in the 1990s, followed by steep drops in interest rates, drove premiums up sharply. As *The Wall Street Journal* exhaustively documented in 2002, malpractice insurers launched a price war in the 1990s after major companies realized they had set aside too much capital in loss reserves. As large insurers such as St. Paul Cos. released reserves, medical malpractice suddenly appeared immensely profitable and multiple new companies entered the market, aggressively undercutting the larger companies and one another. The result was a bargain for doctors and a brewing storm for insurers. As claims piled up, the low rates no longer proved adequate to cover costs. The largest insurer,

Insurance Impunity

BY STEPHANIE MENCIMER

One day in 1973, 65-year-old Elmer Norman went to his doctor for some hearing tests and a prescription for antibiotics to treat an ear infection. But when Norman submitted the bills to Colonial Penn Franklin, his health insurer, the company denied his \$48 claim, arguing, among other things, that the prescription drug he'd received wasn't actually a prescription drug and therefore wasn't covered. Incensed, Norman contacted William Shernoff, the famous California trial attorney who'd won a landmark lawsuit against an insurance company a few years earlier.

Blind in one eye and mostly deaf—he wore a homemade hearing aid made from big stereo headphones and a microphone connected to a box on his belt—Norman eventually persuaded Shernoff to take his \$48 case. During the litigation, Shernoff discovered that Colonial Penn had duped about 100,000 seniors into believing they were getting a "new and improved plan" when, in fact, it actually cut coverage to save more than \$4 million annually. Colonial Penn's treatment of the seniors so outraged the jury that it awarded Norman a jaw-dropping \$4.5 million, the company's annual savings, in punitive damages. (The case was settled for somewhat less.)

The Norman case became famous among consumer advocates fighting unscrupulous insurance companies. J. Robert Hunter, a former Texas insurance commissioner and the current director of insurance for the Consumer Federation of America, says Norman's case "did more in one year to reform claims practices than years of regulation." He says that for years afterward,

lawyers would turn up claim documents from national insurance companies with notes to adjusters reading, "Handle this one right. It's from California."

Insurance companies, though, have waged an expensive battle ever since to make sure that the Elmer Normans of the world never again see their day in court. They have funded efforts to stack the federal judiciary with such pro-business nominees as Priscilla Owen, who, as a Texas Supreme Court justice, once threw out a jury verdict against an insurance company that had approved a woman's spleen and gallbladder surgery and then refused to pay.

The industry has also spent millions on a massive public-relations campaign against "runaway jury awards" and "greedy trial lawyers" in an effort to pressure states to restrict citizens' rights to sue. In California, insurance companies spent more than \$44 million in 2000 to overturn two year-old state laws that allowed a person injured in an auto accident to sue the other (at-fault) driver's insurance company for refusing to settle or lowballing payment on a legitimate claim. Similar campaigns are under way in states like West Virginia, where such laws are still on the books. Meanwhile, the U.S. Chamber of Commerce plans to fork over \$40 million this year in lobbying for federal restrictions on citizens' legal remedies. Much of that money comes from insurance companies.

The industry's tactics for pressuring state legislators are as cutthroat as some of its claims handling; in April, AIG Chairman Maurice "Hank" Greenberg, who raised millions for George W. Bush's 2000 presidential

campaign, said his firm would stop buying municipal bonds from states that don't restrict citizens' rights to sue. Such strategies have worked. In the past decade, more than 40 states have instituted some kind of limits on citizens' ability to check corporate malfeasance through civil suits. And in April, in *State Farm v. Campbell*, the U.S. Supreme Court declared a large punitive-damage award unconstitutional in a decision that took language right from the American Insurance Association's amicus curiae ("friend of the court") brief. The ruling, which has wide-reaching implications for consumers, stems from a case that demonstrated why such awards are often well deserved.

In 1981, Curtis Campbell caused a car accident that killed one person and disabled another. The injured parties sued Campbell for damages and wrongful death, but repeatedly offered to settle with State Farm for the limit of Campbell's \$50,000 auto insurance policy. State Farm, however, forced the case to trial and led Campbell to believe that it would pay for any damages assessed above the limits of his policy. But when the jury awarded the plaintiffs \$185,849, an agent from State Farm bluntly told Campbell and his wife, "You may want to put 'for sale' signs on your property to get things moving."

Stunned, Campbell sued the insurance giant for acting in bad faith. During that litigation, which dragged on for years, Campbell's attorneys showed that State Farm's pressure on Campbell to go to trial—far from being an "honest mistake," as the company argued—was part of a nationwide policy to meet corporate fiscal goals by cap-

St. Paul, left the market. To add to the mess, falling interest rates meant declining yields on bonds. To stay afloat, insurers had to raise rates. "When interest yields decrease, rates must increase," Jim Hurley, a medical-malpractice expert at the actuary firm Tillinghast-Towers Perrin, told the Senate Committee on Appropriations in March.

WHILE GENERAL PRACTITIONERS HAVE NOT BEEN PARTICULARLY hard hit by rising premiums, neurosurgeons, obstetricians and other high-risk specialists have seen rates soar. According to the trade journal *Medical Liability Monitor*, annual premiums for obstetrician/gynecologists in Las Vegas increased from \$79,000 in 2001 to nearly \$108,000 in 2002, while those in Miami saw premiums skyrocket from

\$159,000 to more than \$210,000. In states such as Pennsylvania, Nevada and Florida, doctors have retired early, left the state or stopped delivering babies to contain their insurance costs. While the overall number of doctors in these states is actually rising, certain specialties are feeling the pressure. Dr. Shripathi Holla, a neurosurgeon in Scranton, Pa., has seen his total malpractice insurance payments double in the last few years to approximately \$150,000. Meanwhile, other area neurosurgeons have stopped practicing or retired early, and one recently moved to Maryland. "I am unable to recruit anyone to come to this town," says Holla. As a result, he finds himself on call for three different area hospitals on any given night, and he is sometimes the only surgeon willing to perform risky oper-

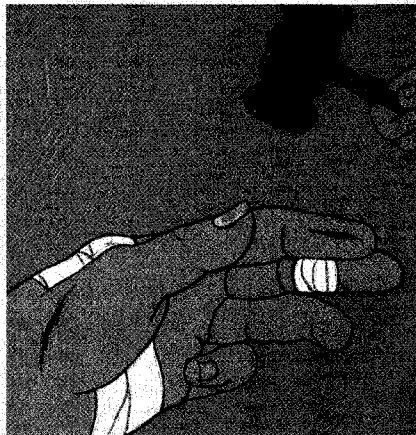
ping payouts on claims. Adjusters were even rewarded with bonuses for cheating consumers out of legitimate claims. The tactics were most actively employed against poor racial or ethnic minorities, women and the elderly, whom State Farm believed would be less likely to object or take legal action. State Farm also argued that practices in place in 1981 had been abolished, but Campbell's attorneys proved they were still in use when the case went to trial in 1996.

Campbell's lawyers introduced extensive evidence of the company's fraudulent practices around the country, which included concealing and destroying documents to avoid disclosure of the claims policy and systematically harassing and intimidating opposing claimants, witnesses and attorneys. State Farm used its vast wealth to try to wear out opposing attorneys by prolonging litigation, making meritless objections, claiming false privileges and abusing the motion process. (State Farm's litigation eventually outlived Campbell, who died in 2001 at age 83.)

The company's behavior was so egregious that in 1996, a jury awarded Campbell \$145 million in punitive damages, or 0.26 of 1 percent of State Farm's wealth. The Utah Supreme Court—hardly a bastion of radical liberalism—upheld the award on the grounds that, because the company's behavior was largely clandestine, it would be punished, at most, in only one out of every 50,000 cases.

Harvey Rosenfield, president of the California-based Foundation for Taxpayer and Consumer Rights, says when he originally read the Utah court's opinion, he thought State Farm would lose its license to practice

in several states. Instead, the U.S. Supreme Court overturned the Utah decision, setting guidelines for punitive damages that would be four to 10 times the amount of compensatory damages, or something more closely related to the state's maximum civil penalty for such behavior. In Utah, that figure is only \$10,000.



For a company worth \$32 billion, a \$10,000 award could hardly be considered punitive. "The ability to make the punishment fit the crime is very adversely affected [by this decision]," says Laurence Tribe, the Harvard Law School professor who argued the *Campbell* case. "There will be no reason for an unscrupulous company to do whatever they want to maximize profits."

Indeed, just as Elmer Norman improved corporate behavior with his lawsuit, reductions in jury verdicts often have the opposite effect. Last December, a Texas court reduced the \$32 million award in Melinda Ballard's bad-faith case against Farmers Insurance

Group to \$4 million. Ballard says insurance companies then started calling policyholders across the state and retracting offers to pay claims, saying, "Sue us." Ballard, who has formed a nonprofit group, Policyholders of America, to lobby for insurance reform, says, "[Insurance companies'] whole purpose in life is to avoid paying legitimate claims. ... They want to be bad out on the playground and not get spanked."

The Supreme Court also ruled in the *State Farm* case that out-of-state evidence such as that introduced by Campbell should be banned in future trials. And yet only the states are vested with the power to regulate the billion-dollar national industry. Even though companies such as State Farm engage in interstate commerce, Congress exempted them from federal regulation in 1945 in the McCarran-Ferguson Act. The industry is exempt from antitrust regulation and oversight by the Federal Trade Commission, too.

Lawsuits such as Campbell's—and the threat of large punitive damage awards—are often the only recourse consumers have, not only to learn about insurance companies' business practices but also to prevent insurance companies from abusing them with abandon. That's why the industry wants to get the bad-faith laws off the books and put the trial lawyers who represent little guys like Elmer Norman out of business. By removing the big stick of punitive damages, the Supreme Court just helped them get a little closer to that goal. ■

STEPHANIE MENCIMER is a Washington Monthly contributing editor.

ations that trauma centers will no longer undertake. "Once some of us retire, this state is going to have a tremendous problem in terms of providing health care to its citizens," says Holla.

The Bush plan is modeled after California's 1975 Medical Injury Compensation Reform Act (MICRA). From 1976 to 2000, according to the AMA, California malpractice premiums remained stable, rising 167 percent compared with a 505 percent increase nationwide. However, California premiums increased dramatically in the years immediately following MICRA. They did not stabilize until 1988, three years after the California Supreme Court upheld MICRA and the same year that California voters passed Proposition 103, forcing publicly traded insurance companies to reduce rates by 20 percent. Both reforms likely played a role in stabilizing California's insurance rates.

But critics of caps insist that pain and suffering damages are necessary to deter careless medical practice and compensate for injuries such as blindness, disfigurement and the loss of sex function, which cannot be quantified in economic terms. Limiting these awards, they argue, will do nothing to reduce costs to doctors and will only trample patients' rights. Linda McDougal, the Minnesota woman whose breasts were mistakenly removed after she was incorrectly diagnosed with cancer because her files were mixed up with another patient's, suffered few quantifiable economic losses. She had health insurance, and her employer covered medical bills and lost wages. But "she will have to go through life mutilated for no reason," says Carlton Carl of the Association of Trial Lawyers of America. George Annas of the Boston University School of Public Health contends that doctors in general are far too worried about being sued.

"Most doctors don't get sued," says Annas, referring to a 1990 Harvard study showing that only one in eight malpractice victims ever takes his or her case to court. "Compare that to patients who worry about being killed; it's not even in the same league."

FAR MORE EFFECTIVE THAN AN ARBITRARY CAP ON DAMAGES would be a more systematic effort to weed out bad doctors and prevent malpractice in the first place. Dr. Sidney Wolfe, director of Public Citizen's Health Research Group, says, "You should protect patients with doctor discipline and protect good doctors with low premiums." Public Citizen ranks state medical boards according to their records of disciplining negligent doctors. "Five percent of the doctors account for 50 percent of the malpractice payouts," he says. "The primary failing is at disciplining doctors. A lot could be remedied by taking bad doctors out of practice."

Meanwhile, CEO Richard Anderson and President Manuel Puebla of the Doctors' Company, a so-called physician-owned mutual, each earn approximately \$2 million per year. Wolfe declares that doctors are "being used as a human shield by the malpractice insurance companies" who want tort reform to protect only themselves. After all, in many states where caps have been enacted, insurance premiums have continued to rise. Nevada, Missouri and Ohio all have some form of cap, but all three figure prominently on the AMA's "crisis states" map. Instead of turning their backs on the real causes, Wolfe says, doctors "should be marching for

discipline reform and insurance reform."

Dr. Marcia Angell, former editor of *The New England Journal of Medicine* and now a professor at Harvard Medical School, is not surprised. "[Doctors] are not economists. They don't think in terms of how a business makes up for a loss of profits. They have been at loggerheads with the trial lawyers for so long that it's always a knee-jerk reaction." Moreover, she observes, many lawsuits arise due to the lack of a social safety net. "As long as we have a system based on avoiding sick people and not taking care of them, you leave sick and injured people with very little alternative other than to sue and to get some care that way," says Angell.

Remarkably enough, insurance companies don't even promise that a cap on lawsuits will solve the problem. In 2002, the American Insurance Association noted, "The insurance industry never promised that tort reform would achieve specific premium savings." And American Tort Reform Association President Sherman Joyce told *Liability Week* in 1999, "We wouldn't tell you or anyone that the reason to pass tort reform would be to reduce insurance rates." If doctors are genuinely concerned about reducing the cost of malpractice premiums and not simply shielding themselves from liability, it would only be logical to demand that for every dollar an insurance company saves as a result of tort reform, doctors should save a dollar on their premiums.

Ironically, Bush boasted about just such a policy during the 2000 campaign, when he proudly credited a Texas law with saving consumers billions of dollars. But these days the White House won't give its blessing to any such reform. Enticed by the prospect of passing widespread tort reform, Rove and Senate Majority Leader Bill Frist (R-Tenn.) have other things in mind. In early April, a far-reaching bill cracking down on class-action lawsuits was approved by the Senate Committee on the Judiciary, bringing it to the floor even before malpractice reform.

AMA President-elect Dr. Donald Palmisano concedes that other remedies are available. In Massachusetts, Indiana and Louisiana, malpractice lawsuits undergo a pre-screening process, substantially reducing the number of questionable lawsuits without restricting the rights of patients to sue. Other top AMA officials admit that the caps for which they are lobbying hard may not even bring premiums down. "Dropping premiums would be great, but stabilizing is what we want," says an AMA spokeswoman. But stabilizing rates at levels that are already driving neurosurgeons and obstetricians out of business is no solution. While a cap on pain and suffering damages may result in marginal savings for general practitioners, there is no evidence that it would provide relief to those who perform the riskiest procedures. If the AMA succeeds in passing a \$250,000 cap without a provision forcing insurance companies to pass their savings on to doctors, rates may well continue to climb, in which case growing numbers of obstetricians will stop delivering babies, more neurosurgeons will retire early or shy away from risky procedures, and more mutilated patients will be denied compensation.

And in the end, Karl Rove and his buddies in the insurance industry will be laughing all the way to the bank. ■

SASHA POLAKOW-SURANSKY is a Prospect contributing editor.

Currents

POP CULTURE



Yeah, whatever: Who does this old guy think he is?

Youth Hostile

To win over young voters, Democrats need to stop trashing popular culture.

BY DANNY GOLDBERG

BACK IN 1984, WHEN I PRODUCED THE first MTV voter-registration spots, a number of my liberal activist friends were worried about Ronald Reagan's popularity with youth. I asked then-Congressman Tom Harkin, the Democratic nominee for the Senate, if he thought increased youth turnout would hurt him in a state that, because of heavy cable penetration, had an unusually large number of MTV viewers. "If I can't get young people to vote for me," Harkin said, "I don't deserve to win." Harkin did win, and he was re-elected in 2002 to his fourth term in the Senate. However, he turned out to be one of the very few Democrats who has shown any interest in younger voters since the Reagan era.

1984 was also the year that Congress-

man Al Gore of Tennessee was elected to the Senate. Soon thereafter, his wife, Tipper, began attacking rock lyrics and youth culture. In the final months of the 2000 presidential campaign, Gore chose to revive these attacks on teen culture, even in his acceptance speech at the Democratic convention. Mario Velasquez, executive director of Rock the Vote, told me that the Gore campaign didn't even send surrogates to youth voter-registration events at which George W. Bush and Ralph Nader had representatives until a couple of months before the election. On election day, the Gore-Lieberman ticket merely tied Bush-Cheney among the 9 million people aged 18-24 who voted, a dramatic decline from the 19-point margin by which Bill Clinton

had carried younger voters in 1996. If Gore had equaled Clinton's margin among that cohort, he would have added almost 2 million votes to his popular-vote count and he would have easily won Florida, Missouri and the election.

As Washington pundits start analyzing potential strategies for Democrats in 2004, there has been little or no discussion of ways to win back the youth vote, or, for that matter, how to craft a message for people of all ages who process information through the language of popular culture (as distinguished from the much smaller elite who are devotees of the political news subculture).

One obvious flaw in the culture of Democrats is the elitist language. While former House Speaker Newt Gingrich carefully researched the impact of various words to demonize his congressional opponents and George W. Bush told his advisers to make a speech on Iraq so simple that "the boys in Lubbock can understand it," national Democrats routinely go on TV and use phrases that resonate only with political insiders. What percentage of Americans understood Sen. John Kerry's recent references to Tora Bora or Gore's incessant mentions of the Social Security lockbox?

Another chronic problem is incoherent message. Democrats who blame Nader for America's current political woes ignore the fact that many people voted for him because they literally could not distinguish Gore's positions from Bush's. In 2002, a *New York Times* poll taken the weekend prior to the congressional elections showed that just 31 percent thought Democrats "had a clear plan for the country."

For younger voters, issues such as Social Security and prescription drugs are not as compelling as they are to older generations. It wouldn't kill candidates to also talk about college loans, the environment, the drug war or civil liberties. Younger people are attracted

by idealism. Conservatives frame all of their issues in the context of a moral philosophy. Progressives believe that government should be a moral force in which the citizens collectively do for one another things that individuals and businesses cannot do. Why can't our leaders proudly convey this?

THE DEMOCRATIC ENTERTAINMENT bashing continued with the Media Marketing Accountability Act, co-sponsored by Democratic Sens. Joe Lieberman, Hillary Clinton and Herb Kohl. Not a single Republican signed on to the bill. Some say this syndrome is a reaction to the enormous defeat of George McGovern in the 1972 presidential election, in which the candidate's image was commingled with various 1960s protest and cultural movements. "Don't get stuck in the '60s," snapped Sen. Barbara Boxer at a friend of mine who'd com-

TV." I answered that given the depressing themes of those works, I was much happier that my kids have memorized large sections of *Austin Powers*. It was clear from the dead silence on the other end of the phone that Nader had no idea what *Austin Powers* was.

Meanwhile, it was George W. Bush, not any leading Democrat, who bantered with Ozzy Osbourne at a Washington correspondents' dinner, and it was Bush's then-Treasury secretary, Paul O'Neill, who brainstormed with Bono about Third World debt relief. While Democrats were misinterpreting the legacy of the 1960s, Ronald Reagan used entertainment-business savvy to bond with a broad range of Americans. Even on a very serious occasion such as his 1986 State of the Union address, the former actor quoted from the film *Back to the Future* ("Where we're going, we don't need any roads."). First lady Nancy

otherwise Democratic voters would abstain from a Lieberman-Bush contest. As TV comedian Jon Stewart described him, "Joe Lieberman is for people who really want to vote for George Bush—but think he's not Jewish enough."

A surprising role model for culturally impaired Democrats is the late Tip O'Neill, who was speaker of the House during most of the 1980s. When Reagan became president, O'Neill was an overweight, aging and old-fashioned machine pol with no previous connection to mass media communication. But O'Neill was not a snob. He cared more about winning political victories than about looking good to Washington insiders. He gathered around him media-savvy advisers such as the young Chris Matthews, and at the height of Reagan's popularity, O'Neill crafted powerful, unambiguous messages in opposition to the president. O'Neill recast himself as the proud voice of New Deal compassion, but he was hip enough to appear as himself on the hit TV show *Cheers*.

Most importantly, he spoke in emotionally powerful, unambiguous and easily understandable terms. Under O'Neill's leadership, the Democrats prevented Reagan from getting the United States into a war in Central America. Fighting successfully to prevent cuts in Social Security, O'Neill said of Reagan, "He has no concern, no regard, no care for the little man of America.... Because of his lifestyle, he never meets these people. I think he'd do much better if he had brought in some people from the working force of America, who have suffered along the line... not those who have made it and forgotten from where they've come."

Bill Clinton was able to reach younger and working-class voters because of his own working-class background, his authentic affinity for American pop-cultural touchstones and his believable idealism. But without Clinton as the messenger, Clintonism doesn't reach outside the Beltway, and it certainly doesn't touch young people. If Democrats can't speak the language and address the aspirations of the young, they can forget about retaking the White House. ■

DANNY GOLDBERG, CEO of *Artemis Records*, is the author of the book *Dispatches From the Culture War: How the Left Lost Teen Spirit*.

A model for culturally impaired Democrats is the late Tip O'Neill, who recast himself as the voice of New Deal compassion, but was hip enough to appear on *Cheers*.

plained about Lieberman's selection as Gore's running mate in 2000. As Tom Hayden sardonically says, culture bashing has become "the cultural equivalent of a drug test. As if they're saying, 'I have been cleansed of the '60s because I have attacked those lyrics.'" Besides being morally dubious, this is politically irrational. Why lump everything from the '60s together? Violent groups such as the Weathermen were very unpopular with millions of the very same people who loved the Beatles and romanticized Woodstock.

Ralph Nader is not much better on the subject of popular culture. In December 1999, *The Nation* recounted a speech in which Nader said that television teaches children "that violence is a preferred solution to life's problems, they are taught to value cheap sensuality in everything from sex to self image to food, and they become addicted to entertainment that shortens their attention span." When I complained about this outburst, Nader told me he thought kids would grow up better "if they performed their own versions of Eugene O'Neill plays or *Romeo and Juliet* instead of watching movies or

Reagan kissed TV star Mr. T on the head at the White House and appeared as herself, preaching against drugs, in an episode of the sitcom *Diff'rent Strokes*. When Ron Reagan Jr., parodying a scene from the film *Risky Business*, danced in his underwear on *Saturday Night Live*, President Reagan said, "Like father, like son." And in 1983, President Reagan posed shirtless while pumping iron for a cover story in *Parade* magazine that stated in the first paragraph, "Move over Jane Fonda, here comes the Ronald Reagan workout plan."

WHAT CAN THE DEMOCRATS DO TO win back their youth and pop-culture base in 2004? They can start by not putting Joe Lieberman on the national ticket. An oft-quoted section of his campaign book, *In Praise of Public Life*, claims that "traditional sources of values in our society—such as faith, family, and school—are in a life and death struggle with the darker forces of immorality," referring specifically to the "entertainment culture." Moreover, Lieberman is just too conservative across the board, and more so now than he was in 2000. Millions of

TELEVISION



Black, white and patriotic: the finalists of *American Idol*

Window on Reality

American Idol and the search for identity

BY ELAINE SHOWALTER

"REALITY" TELEVISION IS GENERALLY scorned as mindless, vulgar, exploitative and contrived. So is it ever sociology, is it ever real? Yes, if it's *American Idol*, the FOX show that recently wrapped up its blockbuster second season. The program, for the uninitiated, pitted 12 young performers against one another for a chance at a \$1 million recording contract. True, *American Idol* was adapted from a British series, *Pop Idol*, which had attracted a record 14 million voters and made an instant celebrity of a colorless boy singer. True, the program's producers were motivated by only the slickest of intentions: to manufacture a lucrative audience for a recording star before even one CD had been released. True, the twice-weekly programs, with their drawn-out commercial breaks and clumsily staged group numbers, were not the material of art.

And yet, in its shape and timing, *American Idol* has provided a fascinating snapshot of American youth culture in the 21st century. At once a competition, a talent show, a soap opera, a makeover fest, a patriotic celebration and an elec-

tion, *American Idol* showed how the postmillennial United States is changing with regard to race, class, national identity and politics. As its affiliate FOX News was cheering on the Iraq War, the FOX network's *American Idol*—one of the top-rated TV shows of the period leading up to, during and after the Iraq invasion—offered both a mirror image and a contradictory view of the nation's mind-set. Appealing simultaneously to Marines, Mormons, gays, blacks and Latinos, and to every region of the country, *American Idol* has a legitimate claim to its label of reality TV.

PLAYING THE RACE CHORD

American Idol promoted multiculturalism with an ease missing from most network television, and quite distinct from its precursor. Although the British show began with a wide range of candidates, black and Indian aspirants were quickly eliminated; despite the influence of Asian styles from Bollywood and Bhangra, and black styles from the Caribbean, Africa and American hip-hop, the British pop scene is still white. In contrast, *American Idol* showed a

youth culture and a young generation past the tipping point of racial harmony. Sociologically the program has been what one critic called "the Ellis Island of talent shows." In order to achieve this particular American dream of fame, 70,000 aspirants dressed in everything from yellow pimp suits to preppy khakis, then flew, drove and hitchhiked to grueling auditions in seven iconic American cities—New York, Detroit, Miami, Atlanta, Nashville, Austin and Los Angeles—for the second season.

Vying for only a dozen finalists' slots, an astonishing mix of blond Asians, yodeling twins, inner-city rappers, hopeful ex-convicts and desperate single mothers slept on the sidewalks and endured the blunt dismissals of multicultural judges Randy Jackson (a black music-company executive), Paula Abdul (a Brazilian/French-Canadian recording star and choreographer) and Simon Cowell (a white British music producer whose merciless insults and fearless observations as a *Pop Idol* judge had delighted U.K. audiences). The *American Idol* finalists included several black candidates plus two from biracial families. Despite the fears of some critics that no black candidate could win, Ruben Studdard, the soulful "velvet teddy bear" from Birmingham, Ala., who proudly displayed his 205 area code on his size XXXL T-shirt, took home the prize. Imagine a black singer as a Birmingham booster in the '60s! Ruben's distance from the racist history of the city where Martin Luther King Jr. began the civil-rights movement is a statement of how far this country has come.

In a vote so close that it recalled the 2000 presidential election, Clay Aiken, a white college student from North Carolina who worked with autistic teens and had become Ruben's best friend, came in second. At his audition, one reviewer recalled, Clay looked "like Alfred E. Neuman and Howdy Doody crashed head-on." Twenty weeks later, tanned, ironed and styled to rock-star perfection, Clay still retained his down-home charm and modesty. Guest judges alternated between Motown gods (Lamont Dozier, Gladys Knight) and white songwriters (Diane Warren, Billy Joel). Jackson's slang epithets ("dawg," as a term of affectionate greeting, was

a favorite) domesticated the outlaw rapper idiom of hip-hop culture and repackaged it for middle America.

But there was a subtext to this surface of racial harmony and equality. Three black or biracial finalists and semifinalists were disqualified for concealing criminal records or for behavior unfitting to American idols, suggesting disparities of opportunity and continuing cultural differences. One finalist, Corey Clark, accused the producers of exploiting him for ratings when a Web site revealed that he was facing trial on assault charges, and he had to tape an on-air defense interview for *American Idol* that he claimed was misleadingly edited.

U.K. AND U.S.A.: THE POP COALITION

The change of venue from England to the United States not only shifted racial meanings but highlighted national differences. To the British, "pop idol" means something specific: a mainstream, TV-packaged, youth-oriented, music-biz phenomenon. There was no conscious sense of national identity in the choice of *Pop Idol* winners Will Young and Gareth Gates. But *American Idol* had a different agenda, especially the second series, which coincided with the buildup to and climax of the Iraq War. For their charity single benefiting the American Red Cross, 10 of the finalists recorded a hokey Reaganesque anthem, "God Bless the USA," which zoomed to the top of the charts. Part of the patriotic message was the presence among the finalists of husky Marine Josh Gracin, whose commanding officers hinted that he could be sent to Iraq at any moment. (He wasn't.)

Yet in the midst of all this flag waving, the edgy presence of Cowell shocked the American judges into taking a tougher line, just as the critical, even whining, war coverage of the BBC balanced and challenged the excessive optimism of American news correspondents. Cowell's refusal to be kind, tactful, warm and fuzzy, or euphemistically upbeat, made him a bracing presence on the show. Unintimidated by the politically correct, he told biracial Kimberley Locke that her performance improved as soon as she had her bushy curls straightened and highlighted. "Now," he said approvingly, "you look

cute." Unmoved by the tears of losers, he was also the only judge unsoftened by the shrill audition of a 5-year-old black child. "I didn't think it was any good," he said forthrightly. The studio audience regularly booed Cowell, but his candor and insistence on high standards made the pop coalition of *American Idol* work.

THE DEMOCRATIC PROCESS: ELECTIONS AND PARODIES

In the show's finale on May 21, more than 24 million votes came in to *American Idol*. We can't compare the percentage of response to a real election because *Idol* participants were allowed to vote more than once. But the electoral structure of the program reflected American attitudes about the political process, and perhaps even served as a mass-culture referendum on the mood of the nation. Both professional reviewers and fans chatting on the Web speculated on voting blocs, on campaigns and on whether the voting was rigged; Cowell told *People* magazine that some of the finalists "play the role like presidential candidates. If there was a baby in the audience, they'd be running over to kiss it." Local newspapers ran opinion polls on behalf of

hometown candidates. In the end, some reviewers even wondered about having the votes audited, bringing back memories of counting chads.

With *American Idol* providing its own parody of elections, it's no wonder that satirists were also attracted to the format. *The Onion* proposed a new FOX reality show called *Appointed by America*, in which contestants would vie in "a democracy quiz, a talent competition, and nation-building activities" to lead postwar Iraq. Who would it be: Ahmed Chalabi, leader of the exiled Iraqi National Congress? A *peshmurga* fighter from Kurdistan? Or Kymbyrley Lake, a cashier from Garland, Texas, who has always dreamed of "doing something to help bring about a more peaceful world"?

A third series of *American Idol* is promised for next year, with Paul McCartney rumored to be a guest judge. I'd bet the Bush twins and some Democratic candidates will be in the audience, too. This reality show could be a better political photo-op than the *USS Abraham Lincoln*. ■

ELAINE SHOWALTER is a culture critic and a professor emeritus at Princeton University.

BOOKS

The Warrior's Tale

BY CASS R. SUNSTEIN

THE CLINTON WARS

BY SIDNEY BLUMENTHAL • FARRAR STRAUS & GIROUX • 822 PAGES • \$30.00

RUNNING FOR THE SENATE IN THE summer of 2000, Hillary Clinton said she was a "Rorschach test." In fact, both of the Clintons continue to serve as a kind of national Rorschach. Was Bill Clinton an extraordinarily successful president, responsible for remarkable economic growth and renewed attention to the plight of the least fortunate members of society? Or was he Slick Willie, a seducer and a liar, a disgrace to his office? Is Hillary Clinton an accomplished woman who has spent much of her professional life trying to help children? Or is she (in the words of conservative pundit Laura Ingraham) "a

Machiavellian who craves power so much she'll do anything to keep it"?

Sidney Blumenthal served in the White House from August 1997 through January 2001 and was a close adviser to both Clintons. In Blumenthal's account, President Clinton developed a new model of progressive governance, one that accepted the social goals of Franklin Delano Roosevelt's New Deal but emphasized individual responsibility and a favorable climate for business as well. Blumenthal is also concerned, however, with the "wars" to which his title refers—with the unremitting attacks on Clinton's charac-

ter and ethics. These wars, Blumenthal believes, are inextricably intertwined with, even a product of, Clinton's progressivism. Because Clinton won two presidential elections and because his policies were so popular, his adversaries had to resort to attacking his character, often through outlandish charges that lacked the slightest basis in reality. ("Whitewater is about health care," Rush Limbaugh announced to his 20 million listeners.)

Blumenthal thinks that the whole situation was captured by a conference in which Clinton called for extending hate-crime laws to ban violence based on disability, sex and sexual orientation. "All Americans deserve protection from hate," Clinton said, only to be interrupted by a heckler, who shouted, "If you murder Vince Foster, it is not a hate crime!" Or consider these remarks from a conservative commentator in *The Washington Times*, writing in 1994 as the Whitewater controversy continued to heat up: "I know something about Bill and Hillary Clinton right now. I know how their stomachs churn, how their anxiety mounts, how their worry over their defenseless child increases. I know their inability to sleep at night and their reluctance to rise in the morning. ... I know all this, and the thought of it makes me happy."

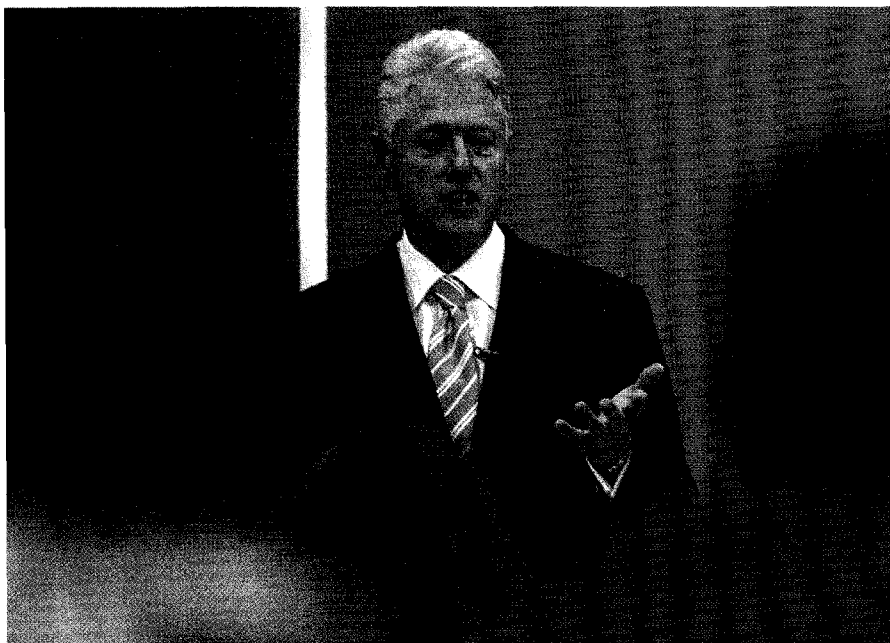
Blumenthal's narrative begins in late 1987 with his initial meeting, as a reporter for *The Washington Post*, with the then-governor of Arkansas. While noticing Clinton's ambition, Blumenthal also saw someone with charisma and an unusual facility for public policy. During that conversation, the two touched on how American politics was changing, in part because of the media's tendency to erase the distinction between private and public life. In his race for president, Clinton mounted what Blumenthal calls a "challenge to the new order," calling for a fundamental reorientation of the Democratic Party to attack Republican governance. Much of the reorientation involved an effort to transcend what Clinton called "the stale orthodoxies of 'left' and 'right'" through initiatives, such as financial assistance for college students, that appealed to the middle class.

Clinton's effort, culminating in his victory over George Bush Senior, was remarkably successful, but it soon led to

an astonishing set of allegations of corruption and crime. With respect to the most famous of the attacks, Blumenthal contends, "There was never anything to Whitewater. There was never anything to it in the beginning, middle, or end." Blumenthal's view is supported by an unlikely source: Sen. Alan Simpson (R-Wyo.), who confessed to Clinton himself, "We all know there's nothing there. It was just politics. And it just got out of hand." Blumenthal thinks that in his early years as president, Clinton was simply naive about the nature and intensity of his adversaries. One casualty

insurance for children. He trounced Sen. Bob Dole (R-Kan.) to win re-election. By late 1997, the Clinton administration was riding high, with a booming economy and (astonishingly) the looming elimination of the federal budget deficit. Clinton's possibilities for the second term seemed limitless.

All this changed with the Monica Lewinsky scandal, which occupies more than a third of Blumenthal's narrative. Even though recent history, much of this story makes for surprising reading. Blumenthal insists that the events that led to Clinton's impeachment were an



Was he one of our most successful presidents or Slick Willie—or both?

was his excessively ambitious proposal for health-care reform, whose failure helped the Republicans to gain control of the Senate and the House. As a result, House Speaker Newt Gingrich (R-Ga.) became, for a time, the most influential figure in American politics.

Blumenthal offers a fascinating portrayal of Gingrich, who "practiced and perfected political annihilation." Gingrich asked his pollster to market test such terms as "sick ... pathetic ... decay ... corrupt ... waste ... liberal ... traitor" that might be invoked to demonize Democrats. The context for using these words was insignificant; they were fit for all occasions. But Clinton responded effectively. Abandoning large-scale proposals, he introduced a remarkable set of smaller initiatives, including increases in the Earned Income Tax Credit, community policing, job training and health

outgrowth of a sustained period of right-wing scandal mongering. Well before the Lewinsky affair became public, a group of influential conservatives in the media had met to help Rep. Bob Barr (R-Ga.) on an impeachment resolution. The resolution lacked detail, referring only to a "systematic abuse of office." According to a *Wall Street Journal* editor who appeared supportive of impeachment, what was important was not the law or the Constitution but merely "political will." And Blumenthal effectively captures the unimaginable chaos of rumor mongering that followed the disclosure of Clinton's relationship with Lewinsky. What is perhaps not adequately remembered is the utter baselessness of many of the charges that reasonable people took seriously at the time. Recall the "Talking Points" memo—said, in reputable places, to be a

smoking gun, written by the White House in a conspiracy to obstruct justice? The memo was written by Lewinsky herself. Recall the widely reported claim that Vernon Jordan, participating in a criminal conspiracy, helped Lewinsky obtain a job in order to buy her silence? That turned out to be baseless, too. What emerged, in Blumenthal's account, was a bizarre alliance among overzealous prosecutors, right-wing extremists and irresponsible journalists with a pack mentality.

As for the impeachment itself, some of Blumenthal's most striking discussions explore the intense pressures placed by extremists on moderate Republicans. For example, Rep. Peter King (R-N.Y.) was threatened with the loss of a subcommittee chairmanship and was told that if he did not support impeachment, the House leadership would make "the next two years the longest of his life." Skeptical Republicans swallowed their reservations and voted for an impeachment that they privately deplored. Of course, Clinton's misconduct was not trivial. But there is no good argument that his misconduct amounted to a high crime or misdemeanor within the meaning of the Constitution. Republican officials, so solicitous of the Constitution in their rhetoric, paid no serious attention to our founding document, treating it as a malleable instrument for their own political ends. (It is a continuing mark of shame that conservative law professors did not challenge Clinton's impeachment; let us hope that liberal law professors would support a Republican president under analogous circumstances.)

Applauding Al Gore for his role as vice president, Blumenthal portrays him as uncertain and erratic on the campaign trail, veering from embrace of the Clinton administration to careful distancing. Blumenthal emphasizes a well-orchestrated campaign to make Gore look like an unethical person who, in the words of a spokesperson for the Republican National Committee, "had a propensity to both exaggerate and fabricate." In a continuation of the Clinton wars, Gore was widely said to be a kind of compulsive liar—to have claimed unjustified credit for inventing the Internet and for cleaning up hazardous waste, even to have claimed, falsely, that he and his wife, Tipper, were models for

the young lovers in Erich Segal's novel *Love Story*. Blumenthal contends that Gore's comments in these respects were essentially accurate. The smear campaign, spread by the supposedly liberal media, went mostly unchallenged.

Blumenthal concludes with some remarks about Clinton's place in American history. In his view, the United States has faced an enduring conflict between two views about how executive powers should be used.

Would they be wielded on behalf of the interests of the great majority of citizens, allowing the Constitution to be a living document for advancing the people's rights and social equality and the nation's needs ... ? Or would the executive branch define the nation as a shell, a confederation of states, clearing the way for private special interests, and asserting the armed forces as the only expression of national power?

Blumenthal thinks that since the 1930s, the Republican Party has seen itself as the only true keeper of Americanism, treating opponents with incredulous hostility. In attempting to oust Clinton, "the Republicans escalated a politics of crisis into almost continual warfare." Partly as a result, Clinton's program was unfinished. But his achievements were nonetheless extraordinary: tens of millions of new jobs, the fastest economic growth in 30 years, dramatically decreased poverty and unemployment rates, the first back-to-back budget surpluses in recent history, a 20 percent reduction in crime, sharp decreases in the welfare rolls, two superb (and quite moderate) Supreme Court justices, and the lowest African American and Hispanic unemployment rates on record.

This is a sprawling book, but it is marked by shrewd observations and sharp, illuminating descriptions of people and events. Blumenthal is a loyalist, to be sure, and he has some scores to settle. Members of the media come in for special scrutiny, and his depiction of the pack mentality seems on the mark. On the other hand, some of Blumenthal's discussions aren't exactly balanced; the book has too much of an us-against-them flavor, and there is insufficient recognition that honorable people can be found on all sides. Writing that George W. Bush "was in-

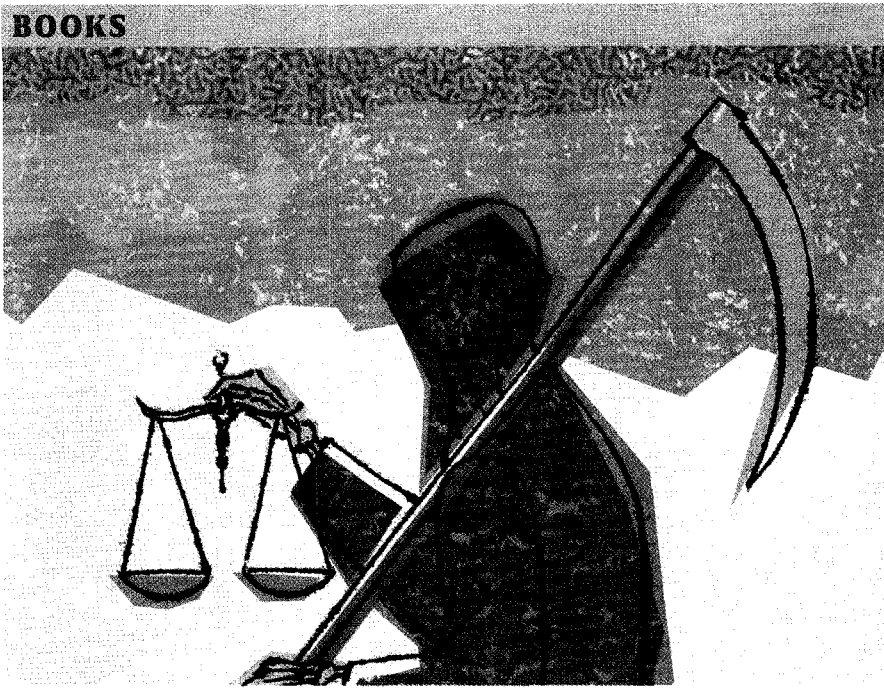
stalled, not elected," Blumenthal describes the 2000 election as "the stolen succession"—an unnecessarily inflammatory term for an essentially tied vote. He hints that Justice Antonin Scalia's vote in *Bush v. Gore* might have been influenced by Scalia's desire to be chief justice—a preposterous suggestion. But Blumenthal's depiction of events is frequently convincing. Because of its shrewdness and range, the book will be an indispensable source for those seeking to understand the Clinton years and the period in which the nation now finds itself.

Blumenthal does not, however, answer an obvious question: Who won the Clinton wars? I think that Blumenthal underplays a central point here. Bush's election in 2000 was greatly assisted, and probably made possible, by the widespread belief among swing voters that the Clinton administration was essentially crooked and that Gore was, in terms of trustworthiness, no better than Clinton himself. If not for trumped-up scandals, media credulity and the (unconstitutional) Clinton impeachment, Gore would probably be the president today. This is not to deny that Bush ran an impressive and disciplined campaign, nor is it to say that Gore's candidacy was doomed. But peace and prosperity are usually a recipe for easy electoral victory. Gore was badly damaged by the Clinton wars, and in that sense Clinton's most shameless adversaries ended up big winners.

Blumenthal's historical argument—opposing progressive presidents and their conservative counterparts—seems to me too simple. Blumenthal thinks that progressive leaders meet especially fierce resistance, that the defenders of the status quo are prepared to resist by all available means, whether fair or foul. I am not sure. All presidents—left, right and center—have been subject to unfair and false charges. But Blumenthal's largest claim is convincing. The scandal mongering of the Clinton years was genuinely unique, not least because it was so unremitting, so well funded and so vicious. ■

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BOOKS



Death Undying

BY WENDY KAMINER

THE DEATH PENALTY: AN AMERICAN HISTORY

BY STUART BANNER • HARVARD UNIVERSITY PRESS • 385 PAGES • \$15.95

THE CONTRADICTIONS OF AMERICAN CAPITAL PUNISHMENT

BY FRANKLIN E. ZIMRING • OXFORD UNIVERSITY PRESS • 285 PAGES • \$30.00

MORE THAN 3,700 PEOPLE RESIDE ON death row, an average of 60 people are executed annually and, except for a brief period in the 1970s when executions were unconstitutional, capital punishment has been part of our legal system since the Colonial period. It has also been an enduring subject of debate. As Stuart Banner notes in his history of the death penalty, the ink began spilling long ago: "So much has been written and said on the subject of capital punishments," a Philadelphia newspaper observed in 1812, "that it looks almost like presumptive vanity to pursue the topic any further."

Still, the pursuit continues, as does the practice of executions. Banner, a University of California, Los Angeles law professor, and Franklin Zimring, an eminent University of California, Berkeley criminologist and ardent opponent of the death penalty, have produced estimable new books on capital punishment. Banner's *The Death Penalty: An American History* is an ac-

cessible, balanced and reasonably comprehensive history of death-penalty practice and policy from the 17th century through the present. Zimring's *The Contradictions of American Capital Punishment* hones in on the cultural ideals that both challenge and sustain the death penalty.

Not many people approach this issue agnostically, but, as Zimring notes, many are ambivalent about capital punishment and not well-versed in its history. Banner's book is a useful introduction to the American experience, partly because he treats the grisly matter of execution with unusual dispassion. Refraining from overt advocacy, he focuses on the methods and meanings of executions, from the somber, sometimes inept public hangings of the 1600s through the sanitized, relatively secret poisonings of the condemned today.

In Colonial America, as in Europe, property crimes as well as crimes of violence were punishable by death. Moral

lapses, such as adultery, were also liable to be classified as capital crimes, as were religious offenses, such as heresy or blasphemy. The proliferation of death penalties partly reflected the absence of imprisonment as an alternative sentence, as penitentiaries date back only to the late 18th century. But punishment practices themselves reflect dominant cultural ideals, and, Banner suggests, the harshness of the Colonial codes was rooted in a harsh religious worldview. The death penalty was a faith-based initiative.

Executions were public religious rites, designed to instill terror and virtue in the general populace while encouraging the repentance of the condemned. Mercy was available through clemency or the imposition of lesser sentences, such as mock hangings, which required people to stand in public with ropes around their necks. But condemnation could be unremitting: Sometimes prisoners were sentenced to death and then dissection—a fate regarded with particular terror by people who feared that the destruction of the body after death would preclude resurrection. From this perspective, the hubris of condemning someone to dissection is breathtaking; as Banner observes, the state was "exercising its power to deny the afterlife."

Hanging was the primary method of ending this life. A procession to the gallows was followed by a sermon and "gallows speeches" by prisoners who either insisted on their innocence (sometimes truthfully, no doubt) or confessed and sought forgiveness. Sometimes they tried doing both, Banner reports, by asserting variations of diminished-capacity defenses. Last-minute reprieves were available, so gallows speeches were apt to be desperately strategic.

This was a highly discretionary system of justice. Trials were speedy and nonadversarial. (Considering the quality of our own indigent defense system, you might say the same of many capital cases today.) There were no formal appeals and no standards governing the issuance of clemency, although it was guided by "stable, unwritten conventions." In addition, "connections mattered," but as the political system became more democratic in the 19th century, public opinion began mattering, too.

Elite opinion began reconsidering the death penalty in the early years of the republic, mainly in the North. (In the South, by law and practice, free blacks and slaves were subject to many more death sentences than whites.) Banner chronicles early 19th century death-penalty abolition debates, attributing the emergence of an abolition movement partly to changing ideas about crime and human nature: Throughout the 17th and much of the 18th centuries, the death penalty complemented a view of all human beings as “innately depraved” and entirely responsible for policing their own vices. “(A) criminal,” Banner writes, “was someone who had failed to control a natural tendency that everyone shared.” The Enlightenment introduced a competing view of the individual as a blank slate and crime as a disease or the

predicts that the future of capital punishment will be determined, as was its past, by prevailing ideas about free will and individual accountability. This seems a bit reductive: If religious or psychological explanations of crime determined our response to it, you’d expect the United States to follow the example of other Western nations in abolishing the death penalty. Instead, we share with Islamic fundamentalist regimes, whose cultures are so foreign to our own, an apparent belief in its justice and efficacy.

Franklin Zimring explains why. His new book includes a sharp, sensitive discussion of the political and cultural forces shaping contemporary attitudes toward the death penalty, along with hard data about executions, a cogent explanation of the capital process and an account of successful efforts to abol-

tently applied and sometimes imposed on the innocent.

If these conflicts about capital punishment provide openings for abolitionists, they also complicate the challenge before them. Persistent majority support for the death penalty despite significant concerns about its fairness and fallibility suggests that Americans care deeply about preserving it. This distinguishes the United States from other Western nations that abolished capital punishment in the latter half of the 20th century, Zimring suggests. Generally, in western Europe, Australia and Canada, abolition was a top-down process, “engineered by governing elites at a time when public opinion still favored capital punishment for murder.” But the political elitism of abolition did not spark popular outrage or a damaging backlash. Instead, after abolition, European nations adopted even stronger policies against the death penalty, declaring it a human-rights issue, not merely a matter of criminal-justice policy. Central European nations quickly abolished the death penalty after the fall of the Soviet Union, and, outside the United States, abolition is generally considered “an integral part of liberalization.”

Abolitionists have attributed the American attachment to capital punishment alternately to a history of violence and vigilantism, to an ethic of revenge and, of course, to racism. There may well be some truth in all of these speculations, especially the latter. It’s hard to overstate the role that slavery and its aftermath have played in the administration of the death penalty, not to mention lynching; even today, as Zimring reports, the vast majority of executions in America occur in the South (89 percent in 2000). But Zimring rightly focuses on public concern for crime victims and the confusion of justice with therapy in explaining the intensity of American support for capital punishment.

In the past 20 years, he observes, the purpose and even the process of capital cases were partially privatized—transformed, in part, from public crime-control measures into efforts to provide personal, psychic compensation (“healing”) to the victims’ survivors. Empirical evidence that executions are indeed more helpful to victims than life sentences seems at least as scarce as evi-

The death penalty has been reconceptualized as a victims’ services program—a means of providing psychic compensation to the survivors.

product of a corrupting environment. Penitentiaries were built, and capital punishment for property crimes was gradually eliminated.

Execution practices also changed drastically during the 19th century. Public hangings were gradually abolished, partly because the public enjoyed them too much. The large, celebratory execution crowds did not seem appropriately terrified and offended the sensibilities of the emerging middle class. Hangings were moved into prison yards, and later, when the electric chair and gas chamber replaced the gallows in the late 19th and early 20th centuries, executions were moved inside prison walls. Beginning in the 19th century, Banner observes, the trial, not the imposition of sentence, became a focal public event, and people began vicariously witnessing the spectacle of criminal justice through newspaper accounts, as they witness it today on cable television.

Banner follows the history of capital punishment through to the present, focusing on the constitutionalization of the process, which has satisfied neither its supporters nor its opponents. He

ish the death penalty in Europe. American support for capital punishment has always had its paradoxes: Mistrust of government, especially on the right, has long coexisted with faith that the criminal-justice bureaucracy applies the death penalty with relative infallibility. What Zimring characterizes as the public’s “profoundly mixed feelings” about capital punishment have only been exacerbated recently by revelations of wrongful capital convictions, as the surveys he cites suggest. Today, according to a Gallup Poll, about 70 percent of Americans express support for the death penalty (compared with 80 percent in the mid-1990s). Support drops further when people are presented with an alternative sentence of life without parole. And many people who favor the death penalty do seem to wonder about the justice of it: A 2001 ABC/*Washington Post* Poll reported that while a majority of survey respondents agreed that the death penalty was fair because it prevents killers from killing again and provides “closure” to victims, a majority also agreed that the death penalty was unfair because it was inconsis-

dence that the death penalty effectively controls crime. But, Zimring writes, "Closure is not important as a behavioral phenomenon; it is, instead, a belief system." Moreover, conceptualizing the death penalty as a "victim-service program" has greatly enhanced its legitimacy: The language of therapy softens what might otherwise be considered a desire for vengeance by presenting it as a quest for closure. It also cloaks an awesome exercise of government authority by training our attentions on the service executions supposedly provide, not on the power they represent. It maligns efforts to provide time-consuming due-process protections to the condemned as counter-therapeutic attacks on victims. Finally, rhetoric about victims' rights resonates with a cultural tradition of communally controlled punishment, which sometimes but not always devolves into vigilantism.

Thus the therapeutic "culture of victimism" often derided by the right has played a central role in popularizing crime-control policies long favored by the right. Still, the victories of capital

punishment advocates have been limited, like the progress made by abolitionists. While the death penalty remains in force, it is applied to only a tiny percentage of homicide cases. The Supreme Court and Congress have established often insurmountable roadblocks to capital appeals, even in cases in which guilt is greatly in question. But there seems to be growing uneasiness at the Court's center-right over the system's gross inequities. Consider Justice Sandra Day O'Connor's expressed concern about the quality of indigent defense. The Court's far-right wing, however, remains quite cavalier about such problems and the likelihood of wrongful convictions: Justice Antonin Scalia has even questioned whether executing the innocent would raise a constitutional claim.

Of course, whether or not the Court decides wrongful executions are illegal, the people can decide they're immoral. You'd think that most Americans would oppose empowering the state to execute the innocent, and many do. The trouble lies in defining "innocent." I suspect that support for capital pun-

ishment, in the face of so much information about negligence or malfeasance in prosecuting capital cases, partly reflects an inchoate belief that even the wrongly convicted on death row are not exactly innocent—that if they weren't guilty of the murders for which they were condemned, they were guilty of other crimes for which they weren't even tried. Along with a belief in therapeutic justice, the death penalty seems supported by an unspoken presumption of guilt.

Add to that the public's apparent tolerance, post September 11, for secret, summary detentions of many innocent people in the hope of snaring even one terrorist; add, too, the judiciary's increased deference to prosecutorial discretion and you begin to comprehend the challenge facing abolitionists. Justice requires painstaking, individualized determinations of guilt and a process for correcting mistakes. It doesn't seem in much demand today. ■

WENDY KAMINER is the author of *Free for All: Defending Liberty in America Today*.

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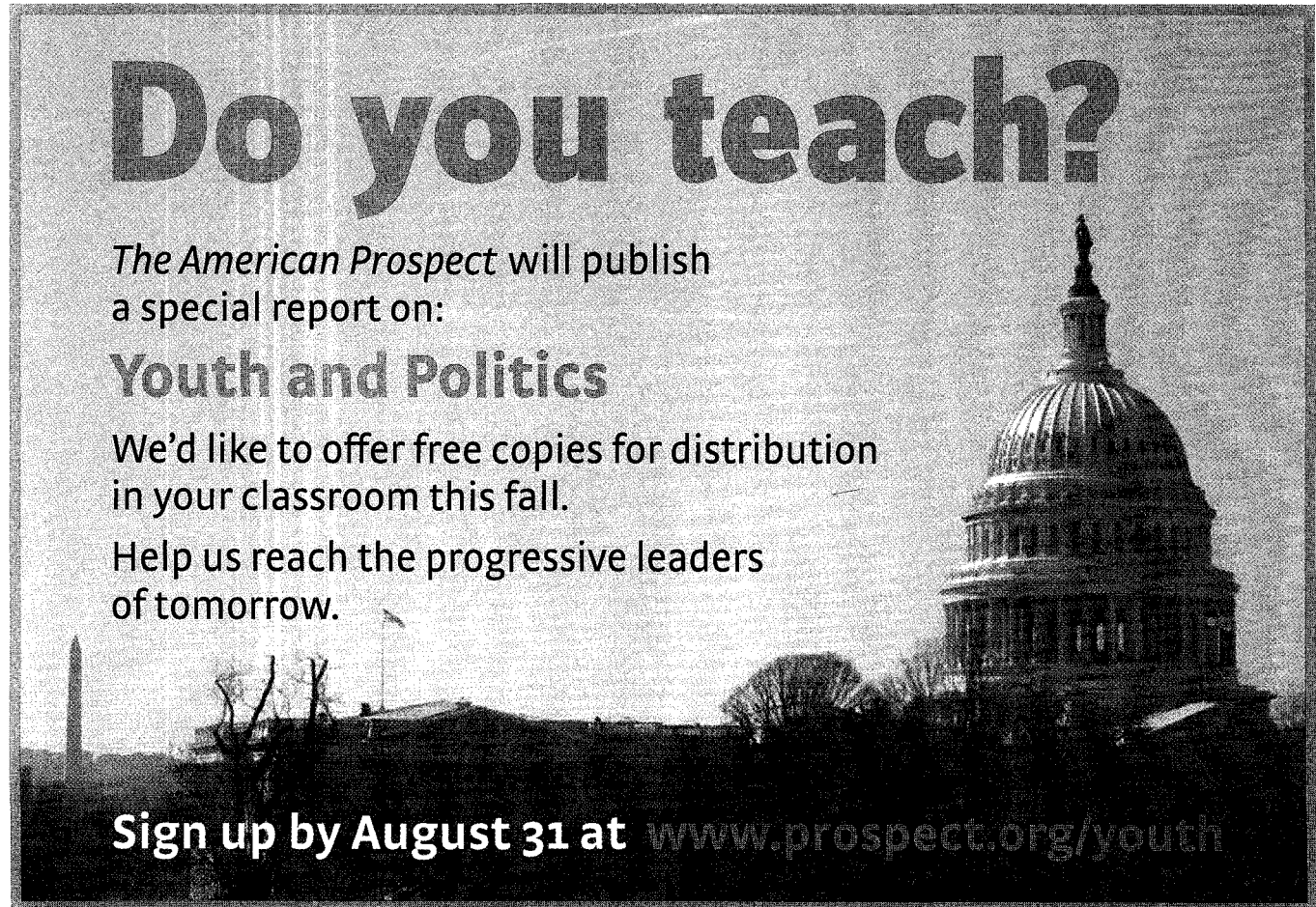
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Keep Your Eyes On the Prize

BY ROBERT B. REICH

"Who are you with?" asks a Democratic activist.

"I like Dean."

"He doesn't have a snowball's chance," says another. "If we put up an anti-war candidate, we're dead. Kerry's the man."

"Kerry doesn't connect with people," says a third. "Besides, we need a southerner. I'm for Edwards."

"Edwards doesn't have enough experience," says another activist. "Besides, we need a true Dem that labor can get behind. That's Gephardt."

"You nuts?" says someone else. "He's the oldest of old Democrats. We need a centrist. That's Lieberman."

"Baloney," another says. "He's Republican Lite. We need a populist like Kucinich or Moseley Braun."

"You're all wrong. We need a steady hand. Bob Graham."

"You're out of your mind."

"Screw you."

"Go to hell."

"Your mother's a Republican."

YEARNING FOR A SAVIOR TO DELIVER THEM FROM THE wilderness, Democratic activists are tempted to spend the next eight or nine months making huge emotional and financial investments in one candidate or another. The predictable result is cognitive dissonance: The favored candidate's strengths will be magnified all out of proportion while the weaknesses of primary rivals will be wildly exaggerated. Within a few months, opposing camps will barely be able to hide their contempt for one another.

Meanwhile, issue activists are likely to fixate on the specific causes that animate them—health care, the environment, abortion, women, education, labor, whatever—to the exclusion of everything else. As the primaries loom, they'll grow more insistent that each candidate pledges to make their issue his or her highest priority. They'll send fundraising letters and create media events designed to maximize their pressure, and promise to endorse and work for the candidate who's "best" for them.

And the Democratic Party is apt to go through its quadrennial display of public soul-searching about whether to move to the center to pick up swing voters or back to its base to ignite the passions of party regulars. The Democratic Leadership Council (DLC) will issue caustic press releases criticizing candidates too closely aligned with organized labor or insufficiently enthusiastic about tax cuts and capital formation. The AFL-CIO will chastise the DLC for its right-wing partisanship. The Greens will fulminate about the Democrats' lack of progressive ideals.

Perhaps such self-indulgent fracturing is inevitable in a

party as raucous and undisciplined as the Democrats. But I hope not. George W. Bush and his Karl Rove brain would like nothing better than for Democrats to clobber one another publicly for the next nine months and go into the general election next spring tired, bruised and badly fragmented.

Democrats must resist the temptation. The stakes are simply too high. America cannot afford a second term for W.

Republicans won the electoral vote last time around not because they had more money or political smarts but because they outdisciplined the Dems. This despite the fact that Republicans lacked the disciplining force of the White House. Instead, GOP oligarchs cracked the whip. They persuaded evangelical Christians to mute their anti-abortion, anti-gay positions. They got southern whites to keep their racial bigotry in check. They made sure the big-business wing of the GOP didn't threaten the small-business, entrepreneurial wing. Early on they coalesced around a single candidate. When maverick John McCain threatened to undo the plan, he was muscled offstage. Candidate Bush stuck to the script handed him by his handlers, who had polled and focus-grouped every word and phrase.

Democrats fell apart even though they held the White House and Al Gore was the heir apparent. Sniping was audible long before the convention. The DLC attacked Gore from the right; Ralph Nader and the Greens from the left. Single-issue groups hammered him with their pet themes. A cacophony of political advice came from every corner of the Democratic Party. Gore's message changed almost as quickly as his wardrobe.

I'm not suggesting that Democrats attempt to transform themselves into as cynically disciplined a machine as the Republicans. Democracy thrives on debate. But Democrats don't have a prayer unless they keep their eyes on the prize and avoid petty, internecine warfare.

So here's my advice to activists: Don't get so emotionally invested in any particular primary candidate that you lose the psychological capacity to be enthusiastic about whomever emerges as the Democratic candidate nine months from now. Remember, the overriding goal is to unseat W.

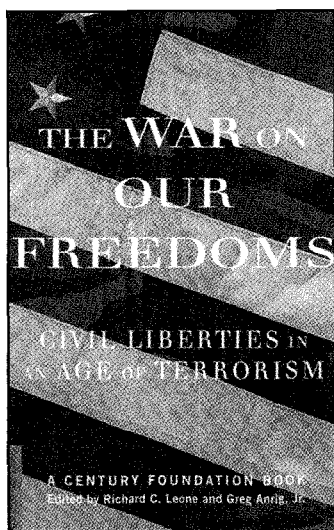
When you hear a Democratic primary candidate criticize or demean a primary opponent, don't just sit there: Make a phone call and send a letter or an e-mail to that candidate expressing outrage.

Most importantly, don't sink too much of your time, energy and money into primary fights. Remember that the real fight begins next spring. It will take everything you have. ■

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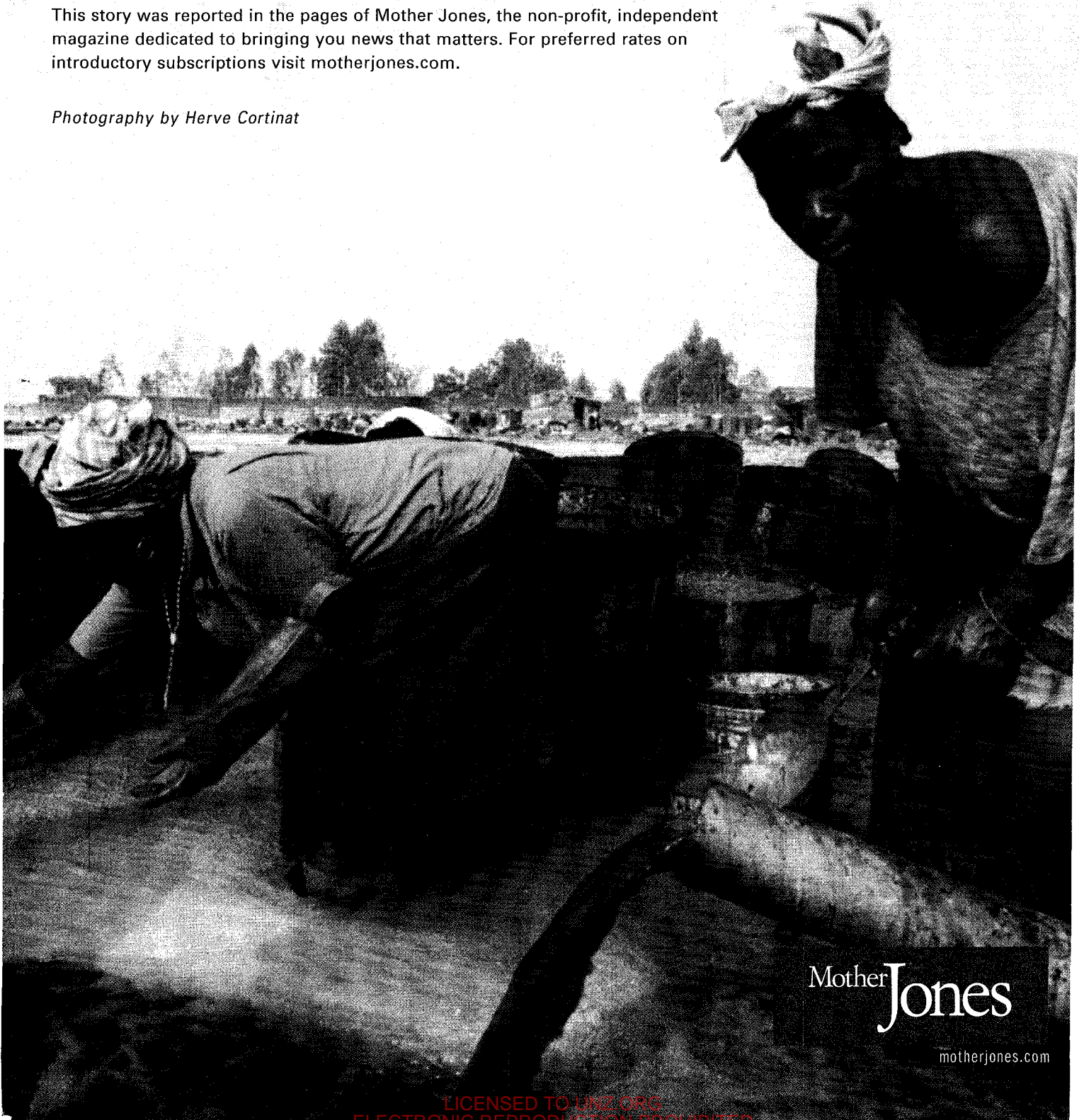
**WHILE MAINSTREAM NEWS WAS BUSY COVERING
"SURVIVOR" THE TV SHOW, THE WOMEN OF BURKINA FASO
WERE PLAYING IT FOR REAL.**

With celebrity fluff and infotainment often masquerading as "news," you're less likely to hear about desperate places like Burkina Faso, a West African nation where more than 50% of the people live in poverty.

Unable to afford cottonseed oil or other ingredients, soap makers have turned to a most unnatural resource: waste spewed into a swamp by an oil refinery. These entrepreneurs waded through the toxic muck, skimming oily residue that they make into soap. Despite numerous drownings and exposure to noxious chemicals, mothers teach the craft to their daughters. They have little choice. Without soap to sell, the family doesn't eat.

This story was reported in the pages of Mother Jones, the non-profit, independent magazine dedicated to bringing you news that matters. For preferred rates on introductory subscriptions visit motherjones.com.

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